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STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
BOARD MEETING

JOE SERNA JR., CAL EPA BUILDING  
CENTRAL VALLEY AUDITORIUM  
1001 I STREET, SECOND FLOOR  
SACRAMENTO, CALIFORNIA

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A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair

DAN EATON

STEVEN R. JONES

JOSE MEDINA

MICHAEL PAPARIAN

STAFF PRESENT:

MARK LEARY, Executive Director

KATHRYN TOBIAS, Chief Legal Counsel

ELLIOT BLOCK, Legal Counsel

DEBORAH MCKEE, Board Assistant

YVONNE VILLA, Board Secretary

EDNA WALZ, Office of Attorney General

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1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning  
4 and welcome to our January meeting. Glad to have you.  
5 At this time I'd like you to join me in the flag salute.

6 (Thereupon the flag salute was recited.)

7 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
8 much.

9 Would the secretary please call the roll?

10 BOARD SECRETARY VILLA: Eaton?

11 BOARD MEMBER EATON: Here.

12 BOARD SECRETARY VILLA: Jones?

13 BOARD MEMBER JONES: Here.

14 BOARD SECRETARY VILLA: Medina?

15 BOARD MEMBER MEDINA: Here.

16 BOARD SECRETARY VILLA: Paparian?

17 BOARD MEMBER PAPARIAN: Here.

18 BOARD SECRETARY VILLA: Roberti?

19 (Not present.)

20 BOARD SECRETARY VILLA: Moulton-Patterson?

21 BOARD CHAIR MOULTON-PATTERSON: Here. I'd like  
22 to ask everyone to please turn off cell phones and pagers  
23 at this time. And I need to remember to do that. I have  
24 a new one so I hope, Yvonne, I can turn it off correctly  
25 and not embarrass myself.

1           And I just wanted to remind everybody on behalf  
2 of the Governor and the legislature to please keep  
3 conserving energy. We're doing our part, and we provide  
4 a limited number of copies of the agenda in the back of  
5 the room.

6           For those of you in the audience that would like  
7 to speak on an agenda item, please fill out a speaker  
8 slip and put the agenda number on it and give it to Ms.  
9 Villa, who's right over here, and she'll be glad to give  
10 it to me. And we'd love to hear what you have to say.

11           Members, ex partes.

12           Mr. Eaton?

13           BOARD MEMBER EATON: Up to date. Thank you.

14           BOARD CHAIR MOULTON-PATTERSON: Thank you.

15           Mr. Jones.

16           BOARD MEMBER JONES: Just one recent one,  
17 Marilyn Miller on the agenda item 16, everything else up  
18 to date.

19           BOARD CHAIR MOULTON-PATTERSON: Thank you.

20           Mr. Medina.

21           BOARD MEMBER MEDINA: None to report.

22           BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

23           BOARD MEMBER PAPARIAN: Yeah, just a meet and  
24 greet with the representative of California Heartland.

25           BOARD CHAIR MOULTON-PATTERSON: Thank you, and

1 I'm up to date.

2 Okay. Reports. Mr. Eaton, do you have a  
3 report?

4 BOARD MEMBER JONES: Yes, but I think I'd  
5 rather, I'll wait until February, I think we have a long  
6 agenda it looks like today.

7 Thank you.

8 BOARD CHAIR MOULTON-PATTERSON: Right. Thank  
9 you.

10 Mr. Jones.

11 BOARD MEMBER EATON: I'll just do a quick one.

12 Just an announcement that I did speak at the  
13 Sierra chapter of SWANA Friday in Fresno about landfill  
14 operator training.

15 The second landfill operator training for  
16 California in specific is going to be held February 28th  
17 in lovely downtown Bakersfield. So for those of you in  
18 the, that need to send people to be part of this pilot  
19 program, I think it's important to take advantage of  
20 this, this will be the last one or the first one this  
21 year.

22 So thanks.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you.

24 Mr. Medina.

25 BOARD MEMBER MEDINA: Thank you, Madam Chair.

1 I'd like to report that on January the 11th,  
2 2002, I attended the groundbreaking ceremonies for the  
3 latest economic endeavor of the Morongo tribe.

4 The tribe is currently building a water bottling  
5 plant in conjunction with the Perrier water bottling  
6 company. The entire enterprise is environmentally  
7 friendly, including a sustainable building and a  
8 recycling program for their water bottles. I was  
9 informed that even the construction debris and the  
10 construction waste material will be recycled or reused.

11 And by this time next year we should certainly  
12 consider them strongly for one of the WRAP awards. And  
13 that concludes my report.

14 Thank you.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
16 Medina.

17 Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

19 A couple of things. I just wanted to let the  
20 Board members know that the informal group we got  
21 together between the Water Board and the Waste Board,  
22 including Mr. Medina, myself, and Mr. Pete Silva from the  
23 Water Board, has met a couple times since our joint  
24 meeting in Mariposa.

25 We've looked at a few issues of mutual interest



1 including bioreactors. We were briefed by Scott Walker  
2 and Waste Board staff at our last get-together on that  
3 issue, and we're hoping to actually take a field trip in  
4 March to the Yolo County bioreactor facility.

5 We have discussed having another joint meeting  
6 between the Waste Board and the Water Board, possibly  
7 during our June meeting in Oxnard. And then, in  
8 addition, possibly taking advantage of some site visits  
9 down there for both Boards to attend.

10 So I wanted to also just express my thanks to  
11 the Waste Board staff for their willingness to help us  
12 out in exploring some of the issues of mutual interest  
13 between our two Boards.

14 In addition, I wanted to mention a couple of  
15 things. Along with the chair, and at least Jeff Hunts  
16 from our staff, I'm not sure if other staff was there,  
17 attended the NRC National Recycling Coalition meeting in  
18 Seattle, a very successful event at which a number of  
19 people remarked at how far advanced California is in a  
20 whole range of areas in dealing with waste.

21 They were, there were a number of mentions of  
22 how good our programs are in California and something  
23 that we can really take pride in.

24 And then finally, I wanted to thank a couple of  
25 our staff. I was at the WRAP Award presentation to the

1     Anheuser Busch facility in Fairfield last week, and I  
2     just wanted to give special thanks to Roni Java of the  
3     Public Affairs Office as well as Piper for their great  
4     coordination of the WRAP of the Year award at the  
5     Anheuser Busch factory in Fairfield last week.

6             BOARD CHAIR MOULTON-PATTERSON:   Thank you.   And  
7     thank you for your efforts, and Mr. Medina, on the joint  
8     meetings with the Water Board.   I think that's very  
9     important and I appreciate it.

10            Just very briefly, I'd like to mention that on  
11    January 10th we officially opened our Los Angeles County  
12    office in Long Beach, and it was very well, we had a  
13    little open house, it was very well attended, and the  
14    local staff people and local elected officials are very,  
15    very happy to have the local assistance in Southern  
16    California.

17            And a big thank you to our PIO office, and  
18    especially to Jill Jones who did a terrific job  
19    coordinating it all.

20            And also I attended the Governor's mentoring  
21    partnership that was hosted by First Lady Davis and  
22    Secretary Hickox.

23            I want to thank all of our staff that are  
24    involved in mentoring.   I know many of you were there,  
25    and many of you are mentors.   And I can't think of

1 anything that's more important that we do. And I know we  
2 have all the information for staff.

3 And I think it's, the point that was made over  
4 and over is that the mentor gets even more of a benefit  
5 than mentoree, and so I would highly recommend it. I  
6 know I'm going to be doing it at the Boys and Girls Club,  
7 and I'm really proud of our staff for putting in so many  
8 hours.

9 And with that, I would like to turn it over to  
10 our Executive Director for his report.

11 Mr. Leary.

12 EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
13 Chair and good morning, Board members. I do have several  
14 things I'd like to brief the Board on.

15 First and maybe foremost is I'd like to give you  
16 a high level overview of what our budget holds for next  
17 year. We do have or are in the process of individual  
18 briefings with each of you.

19 But as far as an overview, I'd like to mention  
20 that as it was released on January 10th, the Governor's  
21 budget for fiscal year 2002-3 proposes a total of \$117  
22 million dollars and 478.3 personnel years for the Board.

23 The major changes in the budget from last year,  
24 and they're all in the Integrated Waste Management  
25 account, include additional expenditure authority of \$1.5

1 million to establish a grant program to promote energy  
2 generation through the use of solid waste residuals and  
3 landfill gas.

4 \$247,000 to conduct hearings for entities that  
5 do not meet the rigid plastic package or container  
6 requirements.

7 And then an additional million dollars of  
8 expenditure authority to create the rigid container  
9 account for rigid plastic container recycling programs  
10 that will be funded from the penalties collected as  
11 appropriate from those hearings.

12 And finally, an addition at \$1.5 million to  
13 establish a two year grant program for educational  
14 programs teaching the concepts of source reduction,  
15 recycling, and composting, pursuant to the passage of  
16 Senate Bill 373 last year.

17 As I said, we'll be briefing each of you in more  
18 detail and so if you have any questions I'll be happy to  
19 entertain them at that time.

20 Contamination and compost is in the news as  
21 you're all aware. You probably heard from constituents,  
22 recent news accounts, or my December 21st memo to you  
23 that there's growing concern about an ingredient in some  
24 herbicides called Clopyralid, and its potential effects  
25 on compost.

1           This ingredient is used to control weeds and  
2   lawns in an agricultural and range land settings, but it  
3   can harm garden and nursery plants. The main product  
4   containing the chemical is Confront manufactured by the  
5   Dow Agriscience Company.

6           Clopyralid was found in commercial compost from  
7   two Washington facilities in the years 2000 and 2001.  
8   California compost producers and organizations and some  
9   cities are concerned that if it is found in compost  
10   fruits in this state, their ability to sell compost  
11   products will be compromised.

12           The implications, of course, for sustained  
13   diversion efforts are obvious. So far we are aware of  
14   only one compost sample in the state that has tested  
15   positive for the chemical.

16           An article that appeared in the December 27th  
17   L.A. Times followed by a December 31st Sacramento Bee  
18   editorial, and a January 5th letter from Dow to the Bee  
19   in response is drawing growing attention to this problem.

20           Our staff has been working with the Department  
21   of Pesticide Regulation on the issue. Over the last two  
22   months we have met with the majority, if not all the  
23   stakeholders on this issue, including a number of  
24   composters, the California Organics Recycling Council,  
25   Californians Against Waste, California Compost Quality

1 Council, CRRRC, UC Extension, Region 9 of U.S. EPA, the  
2 City of San Diego, and the California Plant Health  
3 Association.

4 The next activities we expect to occur include  
5 the following:

6 Dow will be responding to questions our staff  
7 have posed.

8 The composting groups will be asking composters  
9 to send compost samples to specified independent labs for  
10 testing. The results will be compiled for consideration  
11 by all stakeholders.

12 And our current thinking is to bring an item  
13 forward to you to update you on the issue at our March  
14 agenda briefing.

15 In other news, early this month Secretary Hickox  
16 signed a memorandum of understanding for carpet  
17 stewardship along with a consortium of industry  
18 representatives, including carpet manufacturing  
19 manufacturers, and the Carpet and Rug Institute,  
20 fourteen other states, local governments,  
21 non-governmental organizations, and the U.S. EPA.

22 As you recall, obtaining support was part of the  
23 direction you gave me as we moved to solidify  
24 California's participation in this model product  
25 stewardship agreement.

1           Our staff associated with our sustainable  
2 building efforts will continue to represent us at the  
3 table as our efforts shift towards implementation of the  
4 agreement. We will report back to you within 24 months  
5 on our assessment of progress, and make a recommendation  
6 for continued involvement at that time.

7           I'm also pleased to announce the availability of  
8 the third annual recycling trade show exhibitor  
9 prospectus. Several copies were distributed to your  
10 offices last week by staff. We ask that you distribute  
11 them to potential exhibitors and sponsors of this year's  
12 show which is, of course, April 4th and 5th at the  
13 Disneyland Hotel in Anaheim. We can make additional  
14 copies for you if you need them. There are also copies  
15 at the back of the room for today's visitors. They are  
16 encouraged to take copies, and if they need more, contact  
17 Patty Wohl or her staff.

18           We're looking forward to the show, of course,  
19 being a big success as it has been in the past, but we  
20 need everyone to pitch in so we can get as many  
21 exhibitors, sponsors, and attendees as we can.

22           And then finally, actually not finally, two more  
23 things, the Board held a workshop for the plastic trash  
24 bag manufacturers on January 11th. The purpose of this  
25 workshop was to gather new information about the ability

1 of trash bag manufacturers to comply with California's  
2 minimum recycled content requirements for plastic trash  
3 bags. 25 manufacturers and trade associations were  
4 represented at the workshop.

5 Staff will include information that we attained  
6 at this workshop in an agenda item we're preparing for  
7 the April Board meeting.

8 And then finally, I did want to mention that, as  
9 most of you, I'm sure all of you know, the first Cal EPA  
10 External Advisory Committee meeting on environmental  
11 justice is meeting today, in fact I think they're meeting  
12 right next door starting at 10:00 o'clock.

13 And unfortunately for your participation in that  
14 meeting, it conflicts obviously with today's Board  
15 meeting, but you are being represented by Rubia Packard  
16 who, as you all know, has been very engaged in the  
17 environmental justice issue for the Board and will be  
18 attending that meeting on your behalf, and will report  
19 back to all of us when that meeting is completed.

20 And that concludes my report. Thank you very  
21 much.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
23 Leary.

24 Any questions for Mr. Leary?

25 Okay. As far as the agenda goes, we will be



1 having, I just found out that we needed a closed session,  
2 and I think the best time for it would be today right  
3 after the Board meeting. It's regarding tire  
4 legislation, tire litigation, and is expected to be very  
5 short.

6 So is that okay with everyone?

7 BOARD MEMBER EATON: Madam Chair, what time do  
8 you think that's going to be approximately?

9 BOARD CHAIR MOULTON-PATTERSON: It depends on  
10 how long --

11 BOARD MEMBER EATON: The reason why is I have a  
12 5:00 o'clock I can't get out of, so --

13 BOARD CHAIR MOULTON-PATTERSON: Well I hope to  
14 move along really quickly, and if there's a problem we'll  
15 do it before you have to leave, Mr. Eaton, we'll just  
16 take a break because it's going to be very short, and I'd  
17 like to have all Board members present. So that will be  
18 fine. Hopefully we'll be out by then, but you never  
19 know.

20 Today we're taking up items one through 28,  
21 items 7, 28, 37, and 41 have been pulled. We will hear  
22 item 1 at 11:30, time certain. And item two will be  
23 heard tomorrow following item 47.

24 Items 6, 9, 10, 11, 13, 34, and 46 have been  
25 proposed for the consent agenda. Would and Board member

1 wish to pull other items from consent?

2 Hearing none, do we have a motion to adopt the  
3 consent calendar?

4 BOARD MEMBER MEDINA: So moved.

5 BOARD MEMBER JONES: Second.

6 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
7 motion by Mr. Medina and seconded by Mr. Jones to approve  
8 items 6, 9, 10, 11, 13, 34, and 46.

9 Please call the roll.

10 BOARD SECRETARY VILLA: Eaton?

11 BOARD MEMBER EATON: Aye.

12 BOARD SECRETARY VILLA: Jones?

13 BOARD MEMBER JONES: Aye.

14 BOARD SECRETARY VILLA: Medina?

15 BOARD MEMBER MEDINA: Aye.

16 BOARD SECRETARY VILLA: Paparian?

17 BOARD MEMBER PAPARIAN: Aye.

18 BOARD SECRETARY VILLA: Moulton-Patterson?

19 BOARD CHAIR MOULTON-PATTERSON: Aye. Consent  
20 calendar is adopted.

21 As I said, we will be hearing continued item  
22 number one at 11:30 today.

23 Item two will be heard tomorrow after item 47.

24 That brings us to our new business and Waste  
25 Prevention Market Development, Ms. Wohl.

1 EXECUTIVE DIRECTOR LEARY: Madam Chair, if I may  
2 interrupt for just one second, I'd like to mention that  
3 we also request that we pull agenda item 28, I'm not sure  
4 if you mentioned that or not, but that is --

5 BOARD CHAIR MOULTON-PATTERSON: Yes, I did.

6 EXECUTIVE DIRECTOR LEARY: We're not prepared to  
7 include that.

8 BOARD CHAIR MOULTON-PATTERSON: Yes, I did.

9 EXECUTIVE DIRECTOR LEARY: Thank you.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you. Item  
11 28.

12 MS. WOHL: Good morning, Madam Chair and Board  
13 members. Patty Wohl from the Waste Prevention and Market  
14 Development Division.

15 Before I start with the loan items I would like  
16 to inform the Board and the public that the State  
17 Controller's Office has announced that the new surplus on  
18 the investment fund interest rate is four percent. This  
19 will be the interest rate charged on RMDZ loans approved  
20 by the Board starting today through June 30th of 2002.

21 So far this year the Board has funded one loan  
22 totalling 400,000. Today the Board will consider three  
23 loans, two of which will be funded out of RMDZ, for a  
24 total amount of 1.1 million \$32,120. If these loans are  
25 approved, then there remains 8,467,880 in the subaccount

1 for new loan applications before we reach the \$10 million  
2 mark.

3 In addition, the Board will consider one loan  
4 for a hundred thousand dollars today using tire fund  
5 dollars. There is \$2 million in tire funds available.  
6 And if this loan is approved, 1.9 million will be  
7 available for additional tire loans.

8 Loan staff anticipates presenting two loans at  
9 the February Board meeting that will fully utilize the  
10 remaining tire funds.

11 We have three loan items today, Jim La Tanner  
12 will present agenda items three, four, and five starting  
13 with agenda item three, consideration of approval of the  
14 recycling market development revolving loan program  
15 application for Innovative Chemurgic Solutions, LLC dba  
16 I.C. Solutions.

17 MR. LA TANNER: Good morning, Jim La Tanner.  
18 Agenda item three presents a loan in the amount of  
19 248,000 to purchase equipment and provide leasehold  
20 improvements. The project is located in Shafter,  
21 California which is in the Kern County Lancaster  
22 recycling market development zone.

23 As a result of this loan, the company will be  
24 able to take asphalt shingles that are obtained from  
25 local asphalt shingle manufacturers, they will ground

1 that into a low cost ground cover material that's used as  
2 an alternative to higher priced hot mixed asphalt or  
3 cement.

4 End users are equipment yards, trucking  
5 companies, farms, and other similar businesses that need  
6 a low cost ground cover.

7 This would help divert an additional 3,000 tons  
8 per year of asphalt shingles from the landfill and create  
9 one additional job.

10 The loan committee met on January 10th and  
11 approved the creditworthiness for the applicant, and  
12 staff recommends that the Board approve Resolution number  
13 2002-32 to Innovative Chemurgic Solutions, LLC dba I.C.  
14 Solutions.

15 Are there any questions?

16 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.

17 BOARD MEMBER MEDINA: Madam Chair, if there are  
18 no questions I'd like to move this resolution.

19 BOARD CHAIR MOULTON-PATTERSON: Fine. Thank  
20 you. Motion by Mr. Medina.

21 BOARD MEMBER JONES: Second.

22 BOARD CHAIR MOULTON-PATTERSON: Seconded by Mr.  
23 Jones.

24 BOARD MEMBER MEDINA: And specifically that's  
25 Resolution 2002-32, consideration of approval of the

1 recycling market development revolving loan program for  
2 Innovative Chemurgic Solutions, LLC dba I.C. Solutions.

3 MR. LA TANNER: Yes.

4 BOARD CHAIR MOULTON-PATTERSON: Please call the  
5 roll on Resolution 2002-32.

6 BOARD SECRETARY VILLA: Eaton?

7 BOARD MEMBER EATON: Aye.

8 BOARD SECRETARY VILLA: Jones?

9 BOARD MEMBER JONES: Aye.

10 BOARD SECRETARY VILLA: Medina?

11 BOARD MEMBER MEDINA: Aye.

12 BOARD SECRETARY VILLA: Paparian?

13 BOARD MEMBER PAPARIAN: Aye.

14 BOARD SECRETARY VILLA: Moulton-Patterson?

15 BOARD CHAIR MOULTON-PATTERSON: Aye.

16 Okay, number four, Mr. La Tanner.

17 MR. LA TANNER: Agenda item four presents for  
18 approval of the Jacobson Plastics, Inc. application to  
19 the loan program. Jacobson is requesting 884,120 to  
20 finance machinery equipment, leasehold improvement,  
21 furniture and working capital.

22 The project is located in Long Beach,  
23 California, which is in the Long Beach recycling market  
24 development zone.

25 As a result of this loan, the project feedstock

1 is linear low density polyethylene obtained through  
2 various plastic recyclers.

3 Jacobson uses recycled plastic as a raw material  
4 to manufacture auto consoles, golf cases, and janitorial  
5 equipment using a new rotational machine.

6 The end users are customers include wholesalers  
7 and retail throughout the United States that sell final  
8 products.

9 As a result of this loan, plastic diversion is  
10 expected to increase by 1,500 tons per year and create an  
11 additional twenty jobs.

12 The loan committee met on January 10th and  
13 approved the creditworthiness, collateral and source  
14 repayments, and loan staff recommends approval of  
15 Resolution number 2002-33 to Jacobson Plastics, Inc. in  
16 the amount of 884,120.

17 Are there any questions?

18 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.

19 BOARD MEMBER MEDINA: Madam Chair, if there are  
20 no questions or discussion I would like to move  
21 Resolution 2002-33, consideration of approval of the  
22 recycling market development revolving loan program for  
23 Jacobson Plastics, Incorporated in the amount of  
24 \$884,120.

25 BOARD CHAIR MOULTON-PATTERSON: 884.

1 BOARD MEMBER JONES: 884.

2 BOARD CHAIR MOULTON-PATTERSON: Yeah.

3 BOARD MEMBER JONES: I'll second it.

4 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
5 motion by Mr. Medina, seconded by Mr. Jones, to approve  
6 Resolution 2002-33.

7 Please call the roll.

8 BOARD SECRETARY VILLA: Eaton?

9 BOARD MEMBER EATON: Aye.

10 BOARD SECRETARY VILLA: Jones?

11 BOARD MEMBER JONES: Aye.

12 BOARD SECRETARY VILLA: Medina?

13 BOARD MEMBER MEDINA: Aye.

14 BOARD SECRETARY VILLA: Paparian?

15 BOARD MEMBER PAPARIAN: Aye.

16 BOARD SECRETARY VILLA: Moulton-Patterson?

17 BOARD CHAIR MOULTON-PATTERSON: Aye.

18 BOARD MEMBER JONES: Madam Chair.

19 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

20 BOARD MEMBER JONES: Just a quick question for  
21 the maker of the motion. Mr. Medina you said 884, right?

22 BOARD MEMBER MEDINA: Yes, that's right.

23 BOARD MEMBER JONES: Okay, no problem.

24 BOARD MEMBER MEDINA: It's what's in the  
25 resolution, it's 884,120.



1 BOARD MEMBER JONES: Beautiful, thank you.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you.  
3 Number five.

4 MR. LA TANNER: This agenda item presents for  
5 approval with the 3-D Plastics, Inc. dba 3-D Traffic  
6 Works, Inc. application to the recycling market  
7 development revolving loan program.

8 The company is requesting 100,000 to finance the  
9 purchase of compression molding equipment and to fund  
10 working capital requirements. This is the first loan to  
11 be funded with the two million set-aside from the tire  
12 fund in this fiscal year.

13 The company is located in Burbank, California,  
14 which is in the Los Angeles County recycling market  
15 development zone.

16 The feedstock, crumb rubber and HDPE are  
17 obtained from area wholesalers and recycled rubber and  
18 plastics.

19 The company uses the recycled material which is  
20 crumb rubber, 91 percent, and HDPE, nine percent, in a  
21 compression molding process to manufacture rubber bases  
22 for highway traffic devices.

23 The end users are contractors of all companies  
24 and other wholesalers that provide these traffic safety  
25 devices throughout the United States.

1           As a result of this project, the diversion of  
2   crumb rubber is 911 tons and HDPE, 82 tons.

3           On January 10th, the loan committee approved the  
4   applicant's creditworthiness, collateral and source of  
5   repayment. This loan of 100,000 will be funded from the  
6   tire fund, because over 90 percent of the feedstock is  
7   from tire crumb.

8           Loan staff recommends approval of Resolution  
9   2002-34 to 3-D Plastics, Inc. dba 30D Traffic Works, Inc.

10          Do you have any questions?

11          BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.

12          BOARD MEMBER MEDINA: Madam Chair, if there are  
13   no questions or discussion I'd like to move Resolution  
14   2002-34, approval of the recycling market development  
15   revolving loan program application for 3-D Plastics, Inc.  
16   in the amount of \$100,000.

17          BOARD MEMBER JONES: Second.

18          BOARD CHAIR MOULTON-PATTERSON: Thank you. We  
19   have a motion by Mr. Medina, seconded by Mr. Jones to  
20   approve Resolution 2002-34.

21          Please call the roll.

22          BOARD SECRETARY VILLA: Eaton?

23          BOARD MEMBER EATON: Aye.

24          BOARD SECRETARY VILLA: Jones?

25          BOARD MEMBER JONES: Aye.

1 BOARD SECRETARY VILLA: Medina?

2 BOARD MEMBER MEDINA: Aye.

3 BOARD SECRETARY VILLA: Paparian?

4 BOARD MEMBER PAPARIAN: Aye.

5 BOARD SECRETARY VILLA: Moulton-Patterson?

6 BOARD CHAIR MOULTON-PATTERSON: Aye. That

7 brings us to number eight. Thank you.

8 MS. WOHL: Agenda item number eight, public  
9 hearing and consideration of adoption of proposed  
10 permanent amendments to the rigid plastic packaging  
11 container RPPC program regulations, California Code of  
12 Regulations, Title 14, Division 7, Chapter 4, Article 3;  
13 or approval to notice revisions to the proposed  
14 regulations for a an additional fifteen day comment  
15 period.

16 And Jan Howard will present.

17 MS. HOWARD: Good morning, Madam Chair, Board  
18 members. Jan Howard with the Plastic Recycling  
19 Technology section.

20 The purpose of today's item is to hold a public  
21 hearing and get your approval to adopt the amendments to  
22 the rigid plastic packaging container regulation to allow  
23 the use of the previous year's rigid plastic packaging  
24 container recycling rates for current year compliance  
25 purposes.

1           The notice of proposed rulemaking and initial  
2 statement of reasons was filed with the Office of  
3 Administrative Law November 20th, 2001, and noticed in  
4 the California Regulatory Public Review, excuse me,  
5 Regulatory Notice, November 30th, 2001, for a 45 day  
6 public review and comment period.

7           The purpose of the public hearing is to allow  
8 any person to present statements, either orally or in  
9 writing, relevant to the proposed amendments to the  
10 regulations.

11           To date staff has received one written comment  
12 from International Sanitary Supply Association in support  
13 of the proposed amendments.

14           Staff recommends that the Board approve the  
15 proposed amendments to the regulations by adopting  
16 Resolution number 2002-29.

17           This concludes my presentation, and I'll take  
18 any comment.

19           BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
20 Howard.

21           Mr. Medina.

22           BOARD MEMBER MEDINA: Madam Chair, again if  
23 there are no questions or discussion on this item, I'd  
24 like to move Resolution 2002-29, consideration of  
25 adoption of proposed permanent amendments to the rigid

1 plastic packaging container program regulations, Title  
2 14, Division 7, Article 3; or approval to notice  
3 revisions to the proposed regulations for an additional  
4 fifteen day comment period.

5 BOARD MEMBER JONES: Second.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you. We  
7 have a motion by Mr. Medina, seconded by Mr. Jones to  
8 approve Resolution 2002-29.

9 Please call the roll.

10 BOARD SECRETARY VILLA: Eaton?

11 BOARD MEMBER EATON: Aye.

12 BOARD SECRETARY VILLA: Jones?

13 BOARD MEMBER JONES: Aye.

14 BOARD SECRETARY VILLA: Medina?

15 BOARD MEMBER MEDINA: Aye.

16 BOARD SECRETARY VILLA: Paparian?

17 BOARD MEMBER PAPARIAN: Aye.

18 BOARD SECRETARY VILLA: Moulton-Patterson?

19 BOARD CHAIR MOULTON-PATTERSON: Aye.

20 That brings us to item number twelve.

21 MS. WOHL: Agenda item number twelve is  
22 consideration of approval of the contractor for the  
23 California Heartland sponsorship contract, fiscal year  
24 2001-2002, contract concept number eighteen. And Ava De  
25 Lara will present.

1 MS. DE LARA: Good morning, I'm Ava De Lara with  
2 the Market Development Division, regarding agenda item  
3 twelve, the California Heartland contract award.

4 This item seeks Board approval of KVIE,  
5 Incorporated, as contractor for the California Heartland  
6 sponsorship. It allows the Board to continue as an  
7 underwriter and featured sponsor of the statewide public  
8 television program, California Heartland, which focuses  
9 on agricultural issues in California.

10 This contract provides the Board with continued  
11 opportunity to broadcast its message to both the  
12 agricultural community and urban audiences throughout  
13 California.

14 KVIE is the proposed contractor because it has  
15 technical expertise and credibility as a television  
16 industry representative.

17 It is also the producer of California Heartland,  
18 and is the only non-cable agricultural program that is  
19 broadcast statewide and airs in all major geographical  
20 markets.

21 California Heartland also has key links in the  
22 classrooms through the California Foundation for  
23 Agriculture in the Classroom, which distributes program  
24 videotapes to the teachers each week throughout the  
25 state.

1           The scope of work approved in the previous  
2 agenda item includes tasks such as two ten-second on-air  
3 credit spots for the Board, one to be shown at the  
4 beginning and one at the end of each airing of the  
5 California Heartland program.

6           Listing the Board as a featured sponsor and  
7 maintaining a Web page for the Board on the California  
8 Heartland website.

9           Permitting the Board to use California Heartland  
10 programs for non-broadcast education or promotional  
11 events, and to use the California Heartland logo in Board  
12 promotional materials, including the Board website.

13           The funding for a total of \$100,000 from fiscal  
14 year 2001-2002 from the used oil recycling fund, with  
15 contract management by Waste Prevention and Market  
16 Development in coordination with the used oil program,  
17 staff recommends that the Board approve option one and  
18 adopt Resolution number 2002-31.

19           BOARD CHAIR MOULTON-PATTERSON: Thank you.  
20           Mr. Medina.

21           BOARD MEMBER MEDINA: Madam Chair, if there's no  
22 further discussion or questions on this item, I'd like to  
23 move Resolution 2002-31, approval of contractor for the  
24 California Heartland sponsorship contract, fiscal year  
25 2001-2002, contract concept eighteen.

1 BOARD MEMBER JONES: I'll second it.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you. We  
3 have a motion by Mr. Medina, seconded by Mr. Jones to  
4 approve Resolution 2002-31.

5 Please call the roll.

6 BOARD SECRETARY VILLA: Eaton?

7 BOARD MEMBER EATON: Aye.

8 BOARD SECRETARY VILLA: Jones?

9 BOARD MEMBER JONES: Aye.

10 BOARD SECRETARY VILLA: Medina?

11 BOARD MEMBER MEDINA: Aye.

12 BOARD SECRETARY VILLA: Paparian?

13 BOARD MEMBER PAPARIAN: Aye.

14 BOARD SECRETARY VILLA: Moulton-Patterson?

15 BOARD CHAIR MOULTON-PATTERSON: Aye.

16 Okay, number fourteen.

17 MS. WOHL: Agenda item fourteen, consideration  
18 of approval of California Polytechnic State University as  
19 contractor for the sustainable environmental design  
20 education contract, fiscal year 2001-2, contract concept  
21 number 36.

22 And Mike Leason will present.

23 MR. LEASON: Thank you. Good morning, Madam  
24 Chair and Board members.

25 Staff is requesting that the Board approve



1 California Polytechnic State University as contractor for  
2 the sustainable environmental design program.

3           The objective of this contract will be to  
4 develop a cross-disciplinary education program to  
5 directly educate practitioners in the architecture field,  
6 and also educate students who will be entering the  
7 practice in the near future.

8           Specifically, the education program will promote  
9 building and landscape design that conserves energy and  
10 water, prevents pollution and waste, provides markets for  
11 recycled content products, including compost and mulch,  
12 and serves to educate the general public about  
13 sustainability.

14           We anticipate that as architecture trained in  
15 regard to sustainable design principles, the education  
16 program will have long-term benefits continuing well past  
17 the term of the contract. And with its combined emphasis  
18 on lands, buildings, and resource management, the program  
19 will go well beyond just an architectural focus.

20           The scope of work is divided into three parts.

21           The first is a needs assessment.

22           The second part is the actual program  
23 development.

24           And the third part consists of promoting the  
25 program.

1           In addition, the contractor will also submit a  
2 final report detailing the achievements of the contract,  
3 and recommending future actions.

4           In regard to the award of the contract, we  
5 believe that Cal Poly is in a unique position for  
6 performing the work because of their expertise relating  
7 to sustainable design.

8           In support of this, Cal Poly has provided staff  
9 with the following information:

10           In 1994, thirteen Cal Poly faculty and alumni  
11 were awarded international recognition for a design  
12 competition on sustainable community design.

13           Two faculty were recently awarded the American  
14 Solar Energy Society's Passive Pioneer Award, and are  
15 prominent players in the solar design field.

16           The college of Architecture and Environmental  
17 Design has faculty members involved with sustainable  
18 design education through the International Society of  
19 Building Science Educators and also the Council for  
20 Education of Landscape Architects.

21           In addition, the Dean of the College of  
22 Architecture and Environmental Design is also chairman of  
23 the Landscape Architects Technical Committee, an advisory  
24 committee to the California Architects Board. And that  
25 Board is responsible for regulating the landscape

1 architecture profession in California.

2 Furthermore, a faculty and student group called  
3 the Sustainable Environments Emphasis Group has created a  
4 university level minor related to sustainable design  
5 education. This will help to serve as a basis for  
6 developing this program.

7 In addition to the above, Board staff has also  
8 received letters of support for Cal Poly to perform this  
9 work; specifically from the Sustainability Project which  
10 is located in Santa Barbara, and the Society of Building  
11 Science Educators, and also Landscapes Architects  
12 Technical Committee. And basically, these letters  
13 support Cal Poly as contractor because of their  
14 leadership role in promoting sustainable design  
15 education.

16 That concludes my presentation, I'd be happy to  
17 answer any questions you might have.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
19 Leanon.

20 Mr. Medina.

21 BOARD MEMBER MEDINA: Madam Chair, if there are  
22 no questions or further discussion I'd like to move  
23 Resolution 2002-37, approval of California Polytechnic  
24 State University as contractor for the sustainable  
25 environmental design education contract, fiscal year

1 2001-2002, contract concept number 36.

2 BOARD MEMBER JONES: Second.

3 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
4 motion by Mr. Medina, seconded by Mr. Jones to approve  
5 Resolution 2002-37.

6 Please call the roll.

7 BOARD SECRETARY VILLA: Eaton?

8 BOARD MEMBER EATON: Aye.

9 BOARD SECRETARY VILLA: Jones?

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY VILLA: Medina?

12 BOARD MEMBER MEDINA: Aye.

13 BOARD SECRETARY VILLA: Paparian?

14 BOARD MEMBER PAPARIAN: Aye.

15 BOARD SECRETARY VILLA: Moulton-Patterson?

16 BOARD CHAIR MOULTON-PATTERSON: Aye.

17 Thank you, Ms. Wohl.

18 And that brings us to Special Waste, Ms.

19 Gildart. Number fifteen.

20 MS. GILDART: Good morning, Chair. Martha  
21 Gildart with the Special Waste Division. I apologize if  
22 my voice gives out, I'm recovering from this cold that's  
23 going around.

24 Item fifteen is consideration of approval of the  
25 grant awards for the Park Playground Accessibility and

1 Recycling Grant Program for fiscal year 2001-2002. This  
2 is the second cycle and last cycle that we will be  
3 awarding these funds.

4 Lin Lindert in the Waste Tire Diversion Section  
5 will be making the presentation.

6 MS. LINDERT: Good morning, Board members. I'm  
7 Lin Lindert, the supervisor of the Waste Tire Diversion  
8 Section.

9 I would like to remind the Board that we  
10 currently are managing three different playground  
11 grants. This is commonly referred to as the Park Bond  
12 Grant, and as Martha mentioned, this is the second and  
13 last cycle for this grant program.

14 We also have the Playground Safety and Recycling  
15 Grant Program. Neither of these are connected with  
16 directly with tire funds.

17 This one was funded by Proposition 98 funds and  
18 was specifically for schools, and staff will be closing  
19 ninety grants in this program this spring.

20 In addition, as you know, we have the Playground  
21 Grant Surfacing Grant, Waste Tire Surfacing Grant, and we  
22 will be coming before the Board in March with those  
23 awards.

24 This is a complex grant agenda item and I hope  
25 that you will bear with me. We are the guinea pigs in a

1 way for the tie scores at the margin of funding agenda  
2 item.

3 So we are going to be giving you actually five  
4 options. We had four in the original agenda item for  
5 solving this, and at the last, at the briefing, two Board  
6 members suggested that we look into the possibility of  
7 funding some tire money toward any of the marginal ones  
8 that had tire projects.

9 And after I introduce this Board member, this  
10 agenda item, I will explain our two possible resolutions  
11 that we are giving you, but we are presenting five  
12 different items.

13 We handed out on Tuesday to all Board members  
14 and advisors a list of the passing and failing scores as  
15 you recommended. The failing scores are not in the  
16 agenda item packet. And we also passed out a  
17 second possible resolution, and a revised resolution  
18 addressing complete funding of the three at the margin of  
19 funding, and putting in some tire funds as a  
20 possibility. I will explain this.

21 The entire funding for this agenda item is 2.558  
22 million for this cycle. The Board approved the criteria,  
23 the distribution of funds, and the score and the  
24 evaluation process at its May 14th, 2001 meeting.

25 Staff scored 102 qualified applications, and

1 applicants requested more than \$4.6 million in funding.

2 So it was a very competitive grant program.

3 The general criteria are as follows:

4 Need, 25 points.

5 Objectives were five points.

6 Methodology, five points.

7 Evaluation, five points.

8 Budget, five points.

9 Completeness, letters of support, experience,  
10 etcetera, was fifteen points.

11 And evidence of a recycled content purchasing  
12 policy was ten points.

13 There was a total of 75 total possible general  
14 criteria points.

15 I'd also like to explain, at that meeting we  
16 carefully explained, we do have fifteen points in  
17 environmental criteria. We separated out the recycling  
18 and sustainable practices criterion from the buy  
19 recycling criterion and gave it five points in the  
20 program criteria section.

21 This criterion requires the applicant to explain  
22 how it handles internal waste, reuses items, handles  
23 waste for special events, has green waste practices such  
24 as mulching and composting -- remember, these are parks  
25 and they do a lot with green waste.

1           And at that time the Board approved the division  
2 of the fifteen points for the buy recycled sustainable  
3 practices agenda item as we proposed, as staff proposed,  
4 ten percent for the buy recycled, and five percent for  
5 the sustainable practices and recycling processes.

6           The other program criteria are ten points for  
7 the age of the playground. And that was graduated from  
8 no points for a fairly recent playground to the complete  
9 ten points if it was a much older playground.

10           And ten points for economic need. This was  
11 based on the relationship of the area of the project in  
12 comparison to the mean household income in California.  
13 And staff provided applicants with data on how to  
14 calculate this.

15           Program points totaled 25 points and the total  
16 maximum amount of points is a hundred points.

17           Based on direction in the legislation, the  
18 applicant's match could be reduced from 50 percent of the  
19 grant amount to 25 percent if the program is located in a  
20 zip code in California with a median household income of  
21 64 percent or less of the median household income for  
22 California. The median household income for California  
23 based on census data is \$35,798, and 64 percent of that  
24 is 22,911.

25           Okay. We have some issues. In May, 2001, staff



1 proposed that the distribution of funds be based on a  
2 split of funds with 39 percent of the funds going to the  
3 projects located in Northern California, and 61 percent  
4 of the funds going to projects located in Southern  
5 California. But at that time we also recommended that if  
6 not enough grant applications passed the review process,  
7 funding should be based on the score of rank of the  
8 applications; and second, on the geographical  
9 distribution.

10 If staff maintains a strict north south  
11 application split to the allocation of funding, some  
12 grants will not get funded. The total amount of funding  
13 requests for the Southern California passing applications  
14 did not total the amount allocated to Southern  
15 California, it totaled only 53 percent which is still  
16 more than half, rather than the 61 percent.

17 Staff is recommending that funding these grants  
18 be based on the actual passing applications of 47 percent  
19 of the funds going to projects in Northern California,  
20 and 53 percent of the funds going to projects in Southern  
21 California.

22 Okay. That's the first issue. The second issue  
23 is that there are three tied scores at the margin of  
24 funding for Northern California. Staff has proposed the,  
25 provided the Board with four possible options in the

1 agenda item. And at the briefing two Board members  
2 suggested we consider a fifth, which I will explain.

3 The first option is equally divide the remaining  
4 funds among the three applications with the applicant  
5 receiving, each of these three receiving \$26,497 from the  
6 Park Bond fund.

7 We have called all the applicants and they are  
8 willing to reduce their project. We checked over our  
9 revised budget, we checked over a revised work plan, and  
10 they would remain competitive with the revised budget.  
11 So they are willing to consider that.

12 The Board, the second option is the Board makes  
13 the determination as to which project or projects gets  
14 the remaining \$79,491 in funds from the Park Bond Act.

15 So you could fund one applicant fully, and the  
16 other one or two at a lesser amount, with the Board  
17 making the choice of the one to fully fund.

18 You also have the option of not funding any of  
19 the three tied projects at the margin of funding, and do  
20 not expend the remaining \$79,491 in the Park Bond Act  
21 funding. That would just revert back to the general  
22 fund.

23 At the briefing the Board members suggested a  
24 fifth option, and staff researched this option. That was  
25 to fund any waste tire surfacing related aspects of these

1 projects in the three tied scores out of the waste tire  
2 management fund. This would mean that the three grants  
3 could be fully funded.

4 Staff identified two waste tire surfacing  
5 projects as part of the total, of the three projects. We  
6 passed out last week to the Board members a copy of a  
7 proposed second resolution marked revised, and it's in  
8 red and all kinds of strikeouts and underlines what we  
9 would propose in this one as compared to the original  
10 resolution. So you can look on that and see both options  
11 on there.

12 If you look at page eight at the bottom of the  
13 packet you will see that we present the funding options.  
14 The original resolution, as I said, is presented in the  
15 revised one with the strikeout.

16 The funding options from the tire funds are as  
17 follows:

18 Fully fund Livermore Area Recreation and Park  
19 District at \$41,680. This project did not have a  
20 surfacing component made from waste tires, and it would  
21 be fully funded from the Park Bond Act.

22 Fund the Eureka, City of Eureka grant at 12,000  
23 from Park Bond funds for recycled content playground  
24 equipment, and \$27,660 from the waste tire funds for the  
25 waste tire surfacing aspect of that.

1           And then the remaining funds would be divided up  
2 among King City, again with some for tires and some for a  
3 project similar to that for Eureka.

4           So I guess it's up to the Board members now to  
5 decide what option they want. Staff are really  
6 recommending that we either fund, that you either fund  
7 the three tied scores at \$26,497, bypassing the original  
8 resolution.

9           Or number two, by funding all three tied scores  
10 at the amounts requested by adding 70,000, \$75,660 from  
11 the Waste Tire Management Fund to fund the two playground  
12 surface projects.

13           This would fully fund all three projects that  
14 tied at the margin of funds, and will fully fund all  
15 passing projects.

16           Thank you. This is complex, I hope you were  
17 able to follow along, and if you have any questions  
18 either I or Pat Murphy who is the grant manager for this  
19 can answer them.

20           BOARD CHAIR MOULTON-PATTERSON: I'm sure we'll  
21 have questions.

22           Just for me, though. Your staff recommendation  
23 is option one?

24           MS. LINDERT: Actually it's really up to you.  
25 We would like to fully fund both of them. I guess we

1 would have a strong preference for going with option two  
2 for the --

3 BOARD CHAIR MOULTON-PATTERSON: I understand  
4 it's up to us, I just want to know what the staff  
5 recommendation was.

6 MS. LINDERT: Actually the grantees would very  
7 much like to be fully funded. We did call them on both  
8 options, and we would really prefer, we're going to have  
9 probably a lot of funds to reallocate in the April agenda  
10 item for the waste tire funds, and this is a very small  
11 amount.

12 It would mean setting up possibly two grant  
13 agreements because we have to keep the funding source and  
14 the audit going. It would imply only a small  
15 administrative burden to staff, and staff are willing to  
16 bear that burden. So it would not be a huge  
17 administrative issue, and we have discussed this with  
18 legal, they have reviewed both options.

19 BOARD CHAIR MOULTON-PATTERSON: Thank you.

20 Mr. Paparian.

21 BOARD MEMBER PAPARIAN: Thank you, Madam Chair,  
22 a couple things.

23 If we go along with the, using the tire funds,  
24 it might add a little interesting tidbit as the Public  
25 Affairs Office lets local areas know what happened in our

1 granting of these awards.

2 MS. LINDERT: Right. It might complicate the  
3 press release a little bit.

4 BOARD MEMBER PAPARIAN: Well not only that but I  
5 think it will make it even more interesting that, if we  
6 do it this way that we really work, you know, to try to  
7 get those projects funded.

8 One minor thing on the revised resolution. Down  
9 at the bottom of the first page it should read the year  
10 2000, not the year 2002. There is a Park Bond on the  
11 ballot, but we're not yet able to allocate funds from  
12 that.

13 MS. LINDERT: Actually I don't think there's  
14 anything for playground, for this type of program in that  
15 yet, as far as I've seen of it, right.

16 BOARD MEMBER PAPARIAN: But the typo says 2002  
17 in the revised resolution, it should be the year 2000.

18 MS. GILDART: We'll make that change.

19 MS. LINDERT: Which page was that?

20 BOARD MEMBER PAPARIAN: Page one, bottom of the  
21 resolution. This is the revised resolution, it says  
22 "Distribution of the funds from the Safe Neighborhoods  
23 Clean Water, Clean Air, and Coastal Protection Bond Act  
24 of --" and it should read the year 2000, not the year  
25 2002.

1 MS. LINDERT: Oh, 2000, right.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
3 Paparian.

4 MS. LINDERT: But that's just the proposed  
5 distribution of funds as of the time period of 2000,  
6 yeah. But you're right, that's the technical name of the  
7 Park Bond Act, yeah.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
9 Paparian.

10 Mr. Eaton.

11 BOARD MEMBER EATON: I just have a quick  
12 question with regard to one of the items, 5110.

13 My understanding is that anytime there's a bond  
14 there has to be a public purpose to that bond and a  
15 public agency. Are we sure that 5110, which is Gledhill  
16 Lighting District, is a public agency?

17 MS. LINDERT: As --

18 BOARD MEMBER EATON: There's like Mello Roos and  
19 there's all kinds, and will the public have access to the  
20 park?

21 MS. LINDERT: Yes. That was, the definition of  
22 public, of district in the Park Bond Act is broad enough  
23 to include a public agency that has a park that manages a  
24 park and manages a playground that's open to the public.

25 BOARD MEMBER EATON: But you understand what I'm

1 saying, that it's a lighting district?

2 MS. LINDERT: Yes.

3 BOARD MEMBER EATON: So is that a private  
4 district?

5 LEGAL COUNSEL TOBIAS: I can answer that, Mr.  
6 Eaton. They are special districts that are set up by the  
7 counties. So yes, it is a special district and it is  
8 technically a governmental district, not a private  
9 district.

10 BOARD MEMBER EATON: And what is the  
11 accessibility? And how much of that, on that particular  
12 grant is going to go to the 50 percent recycled use since  
13 it seems that the grant is more directed at accessibility  
14 as opposed to the 50 percent recycled content use, at  
15 least according to the write-up?

16 MS. LINDERT: Well they have to certify that the  
17 playground equipment has 50 percent recycled content.  
18 But the purpose of this particular aspect is to provide  
19 accessibility for the park programs, that is the main  
20 function.

21 The second function is to refurbish the  
22 playgrounds for accessibility using recycled content  
23 materials.

24 And in the grant agreement they have to provide  
25 a certification from the vendor saying that the



1 playground equipment installed has 50 percent or more  
2 recycled content materials.

3 BOARD MEMBER EATON: And would we be doing  
4 audits on some of these districts random to ensure that  
5 the certification is proper?

6 MS. LINDERT: That will be up to the audits  
7 department. But if we ever have any kind of suspicion  
8 that there is an issue, we recommend them for auditing by  
9 our audits unit, grants administration unit. And I have  
10 recommended some in the past for auditing, not from this  
11 funding source because they haven't closed yet, but from  
12 the Waste Tire Management Fund.

13 They're all subject to audit. They don't all  
14 get audited because it would be hugely time consuming.

15 BOARD MEMBER EATON: Thank you.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
17 Eaton.

18 Mr. Jones?

19 Any other questions before I go to, we have a  
20 public speaker. Okay. Brent Siemer, City of Eureka.

21 MR. SIEMER: Madam Chair and Board members,  
22 thank you for the opportunity to speak.

23 I first want to give an unsolicited testimonial  
24 to your staff. I'm a public works director, not a grant  
25 writer. Our grant barely made your radar screen, but

1 your staff has treated our application as if we were the  
2 top rated project, and I want to appreciate your director  
3 and staff for making Eureka feel important.

4 We would like to encourage you to fully fund our  
5 project. Your staff has been proactive. Thank you for  
6 the Board for making suggestions for additional funding  
7 opportunities.

8 And we would urge you to support what I believe  
9 is option two which would use the tire surfacing program  
10 to help us provide this \$115,000 accessibility project to  
11 our community.

12 And I would be available if there was any  
13 questions, but I know our project is worthy and I urge  
14 your support.

15 Thank you.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you.

17 Senator Roberti, do you have any ex-parte?

18 BOARD MEMBER ROBERTI: I don't think so, no.

19 No.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
21 you.

22 BOARD MEMBER JONES: Madam Chair.

23 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

24 BOARD MEMBER JONES: Thanks, Madam Chair. I'm  
25 going to make a motion here in a second, but I do want to

1   thank our staff for responding to the suggestions at the  
2   briefing and finding a way to do this. I don't know if  
3   we have to do any allocations out of our tire grants, but  
4   I'm sure this is covered and you would have told us.

5               But I'm going to move adoption of Resolution  
6   2002-8 Revised. But I do have a question, Lin.

7               MS. LINDERT: Uh-huh.

8               BOARD MEMBER JONES: You, in your verbal, as I  
9   understood it, under the City of Eureka in this print it  
10   says \$38,000 out of the tire fund, but I thought I heard  
11   from you that 27,660 and I want to make sure we've got  
12   the right numbers in here.

13              MS. LINDERT: I'm sorry, I made a mistake when I  
14   was speaking, we have so many numbers going around that I  
15   did it. The agenda item has it correct -- I mean the  
16   resolution has it the correct way.

17              BOARD MEMBER JONES: Thank you, Madam Chair.

18              I'm going to a move adoption of Resolution  
19   2002-8 Revised, consideration of approval of a grant  
20   awards for the Park Playground Accessibility and  
21   Recycling Grant Program for fiscal year 2001-2, revising  
22   at the bottom of the page, the further resolve, change  
23   that to the year 2000 as Mr. Paparian pointed out. And  
24   then I'm going to read in that the applicants, Alameda  
25   would get \$41,680 out of the Park fund -- Bond.

1           Eureka would get 12,000 from the Park Bond, and  
2   38,000 from tire funds.

3           Kin and Monterey County would get \$12,340 from  
4   park bonds, and \$37,660 out of tire funds.

5           LEGAL COUNSEL TOBIAS:   Madam Chair, may I -- you  
6   may want to ask for a second, but I need to clarify  
7   something on Mr. Jones' motion.

8           BOARD CHAIR MOULTON-PATTERSON:   Certainly.

9           LEGAL COUNSEL TOBIAS:   I hope that it's clear  
10   that we will be coming back next month with the  
11   reallocation of the tire funds, this item is not  
12   noticed -- April, sorry. This item is not noticed for  
13   the use of the tire funds.

14           So what you would be doing today is approving  
15   staff's recommendation of option two with the allocation  
16   of the dollars that we're talking about here. And these  
17   ones that are at the bottom in a tie will be, you can  
18   approve them, if you will, subject to the reallocation of  
19   tire funds in April.

20           But I just, the way Mr. Jones read the  
21   resolution I just wanted to make it clear that you're  
22   actually not allocating tire dollars today.

23           BOARD CHAIR MOULTON-PATTERSON:   Okay. Thank  
24   you, Ms. Tobias.

25           BOARD MEMBER PAPARIAN:   I'll second the motion.

1           BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
2 motion by Mr. Jones, seconded by Mr. Paparian to approve  
3 Resolution 2002-8 Revised.

4           Just before we vote on it, and I want to thank  
5 you for all your work, and I certainly want to get this  
6 going; maybe we can, since, you know, the staff had  
7 recommended the 61-39 split, Southern California, maybe  
8 we should have some grant writing workshops or something  
9 down there so we can, you know, so Southern California  
10 can get these scores up. I'd like to see it, being from  
11 Southern California. Thank you.

12           Call the roll, please.

13           BOARD SECRETARY VILLA: Eaton?

14           BOARD MEMBER EATON: Aye.

15           BOARD SECRETARY VILLA: Jones?

16           BOARD MEMBER JONES: Aye.

17           BOARD SECRETARY VILLA: Medina?

18           BOARD MEMBER MEDINA: Aye.

19           BOARD SECRETARY VILLA: Paparian?

20           BOARD MEMBER PAPARIAN: Aye.

21           BOARD SECRETARY VILLA: Roberti?

22           BOARD MEMBER ROBERTI: Aye.

23           BOARD SECRETARY VILLA: Moulton-Patterson?

24           BOARD CHAIR MOULTON-PATTERSON: Aye.

25           BOARD MEMBER PAPARIAN: Madam Chair.

1 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

2 BOARD MEMBER PAPARIAN: Yeah. I'd urge you not  
3 to lose sight of that thought about grant writing  
4 workshops. I mean I think that, anecdotally some of the  
5 poorer communities and districts that we deal with seem  
6 to have more difficulty putting the staff resources into  
7 writing a good grant proposal, whereas some of the more  
8 affluent ones seem to be doing a good job.

9 And maybe we do need to be doing some, you know,  
10 outreach throughout the state to assure a good  
11 distribution of our available grant funds, not just from  
12 this fund but across the board.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you, I  
14 appreciate that.

15 BOARD MEMBER EATON: Madam Chair.

16 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

17 BOARD MEMBER EATON: Mr. Paparian brings up a  
18 good point. It would seem ideal that the workshops be  
19 coordinated with such things as the Southern California  
20 trade show, make that as an adjunct on the same day or  
21 one of those days, it will draw more people.

22 We have, I think, the last time I looked we have  
23 several different kinds of workshops from north to south,  
24 and so this idea is a good one, and I don't see any  
25 reason why -- it will, one, increase attendance; and two,

1 we'll probably get good grants in the future, and won't  
2 have to find ourselves in this position.

3 So I would agree if we could do that and move it  
4 along during those times it would be a good thing.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
6 Eaton, that's a great suggestion.

7 BOARD MEMBER MEDINA: Madam Chair, just to  
8 follow up on that. I agree that, you know, we should  
9 have workshops for both north and south and also for the  
10 smaller municipalities and the rural areas, the rural  
11 counties.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you.  
13 Number 16.

14 MS. GILDART: Agenda item 16 is consideration of  
15 the renewal and issuance of a major waste tire facility  
16 permit for California Asbestos Monofill, Incorporated in  
17 Calaveras County.

18 As the title says, this is a renewal.  
19 California Asbestos Monofill has had a permit for a small  
20 tire processing facility for five years. They have not  
21 been operating in the last couple of years, but wish to  
22 keep the current, the permit current.

23 Terry Smith of the Waste Tire Enforcement and  
24 Permitting Section will be presenting the item.

25 MR. SMITH: Good morning.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.

2 Good morning.

3 MR. SMITH: CAM is located in Calaveras County  
4 about six miles south of the town of Copperopolis on  
5 O'Byrnes Ferry Road.

6 The Board approved the issuance of CAM's major  
7 waste tire facility permit November 19th, 1997. The  
8 permit allows the operator to store up to 43 -- or 46,300  
9 waste tires on a 1.5 acre parcel of a portion of land  
10 that's located within a 676 acre closed asbestos mining  
11 facility.

12 Waste tire facility permits expire five years  
13 after the date of issuance. CAM's permit is due to  
14 expire in November of 2002. To prevent the permit from  
15 expiring, the operator has submitted an application to  
16 renew the permit.

17 CAM's is an existing facility and proposes no  
18 changes to their current permit. All the necessary  
19 approvals at the local level have been updated and  
20 approved.

21 Staff has reviewed the application and found it  
22 to be complete, and accepted it as complete on November  
23 28th, 2001.

24 Staff has determined that all of the  
25 requirements to obtain a major waste tire facility permit



1 have been met, including the local fire department,  
2 vector control approvals, financial assurance and  
3 operating liability requirements, state minimum standards  
4 for waste tire storage, and Environmental Quality Act.

5 Staff has drafted a waste tire permit which is  
6 included as attachment number one.

7 In conclusion, staff recommends that the Board  
8 adopt permit decision number 2002-7 approving the  
9 issuance of waste tire facility permit number 05-TI-0726.

10 Mr. Joey Tony is here and available to answer  
11 questions.

12 And this concludes staff presentation.

13 BOARD CHAIR MOULTON-PATTERSON: I have a  
14 question having visited that area and met with homeowners  
15 in there. How, are we working with the community? How's  
16 that going?

17 MR. SMITH: Well I, I, the operator might be  
18 better suited to answer that question.

19 BOARD CHAIR MOULTON-PATTERSON: Okay.

20 MR. SMITH: But we have, this is an existing  
21 permit, and I know when they, when we first issued the  
22 permit an environmental study was done by staff, and we  
23 evaluated the nearby residents and notified them of the  
24 actions that were being taken.

25 BOARD CHAIR MOULTON-PATTERSON: So they were

1 notified?

2 MR. SMITH: Yeah.

3 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.  
4 Paparian.

5 BOARD MEMBER PAPARIAN: Yeah. Madam Chair, I  
6 assume other Board members received this too. I received  
7 a communication yesterday from someone who appears to be  
8 a local resident raising several issues, and I just  
9 wanted to see if they, what the staff response is to some  
10 of these.

11 BOARD CHAIR MOULTON-PATTERSON: Is that the one  
12 from Marilyn Miller?

13 BOARD MEMBER PAPARIAN: Yes.

14 BOARD CHAIR MOULTON-PATTERSON: I just was  
15 handed it, thank you for bringing that up.

16 BOARD MEMBER PAPARIAN: Yeah. Presumably there  
17 are some concerns about these issues, changing Calaveras  
18 County's zoning of the facility. Is there a zoning  
19 problem with the facility?

20 MR. SMITH: No, there's not.

21 BOARD MEMBER PAPARIAN: Okay. Completing a full  
22 EIR on the facility?

23 MR. SMITH: That's been in contention, I think,  
24 from opposition since the day one of the permit.

25 MS. GILDART: Excuse me, if I could just

1 interject here to make sure everyone's clear.

2           There are two separate operations involved with  
3 this facility. The tire storage facility is a very small  
4 operation on the cliff above the actual pit mine. Their  
5 intent is to be able to bring in whole tires and shred or  
6 process them further before future disposal in the pit.  
7 They are currently investigating or involved in getting a  
8 solid waste facilities permit for operation of the pit.  
9 They are not now disposing of tires.

10           The permit before you today had the appropriate  
11 environmental review when they first applied for it in  
12 '97. They have not changed any conditions at that site.  
13 If you want to know more about the permit for the overall  
14 disposal operation in the pit, perhaps the Permitting and  
15 Enforcement Division can help you, or Mr. Tony could  
16 describe the process further.

17           BOARD MEMBER PAPARIAN: Okay. So you're  
18 suggesting that the concern about a full EIR is more for  
19 the bigger part of the operation that hasn't come our way  
20 yet?

21           MS. GILDART: Correct. Correct.

22           BOARD MEMBER PAPARIAN: Okay. The third thing  
23 that they mention is enforcement of the conditions  
24 stipulated in CUP 97-16 that no whole tires be delivered  
25 to the job site. Is that --

1 MR. SMITH: I'm not aware of those conditions.

2 MS. GILDART: I believe, the history of this  
3 site is quite long and convoluted. It's an old asbestos  
4 mine and they are under requirements to bring it up to  
5 grade and landscape it. And they had pursued filling  
6 with inert materials in previous years.

7 When they first obtained the fire storage  
8 facility permit for the operation on the cliff, they had  
9 also been granted by this Board a special approval to try  
10 and dispose of those tires in the pit. That operation  
11 only lasted for a year or two and was ceased.

12 That CUP, the conditional use permit was for the  
13 disposal of shredded tires and only shredded tires in the  
14 pit operation. That has ceased, and they are going  
15 through the solid waste facility permit process at this  
16 time before any future activity occurs there.

17 But they are trying to do just with the tire  
18 storage permit for the operation up above is just to keep  
19 it current.

20 BOARD MEMBER PAPARIAN: So again, the concern  
21 similar to the answer about the EIR, the concern is more  
22 with what's happening in the pit as opposed to what's  
23 before us here today?

24 MS. GILDART: Correct.

25 BOARD MEMBER PAPARIAN: Okay. Implementing the

1 environmental justice law, he doesn't provide explanation  
2 of what aspects of that.

3 The next one is having the California State Fire  
4 Marshal review and approve the existing fire protection  
5 plan. Is that an outstanding issue?

6 MR. SMITH: No. The local fire department has  
7 approved it, the plan. And I think what the -- I too  
8 talked to Mr. Miller this morning on the phone before I  
9 came down here, and I think that what he would like to  
10 see, he looked at item number eighteen and he thought why  
11 doesn't the Fire Marshal look at things like this instead  
12 of allowing local people to approve such projects. And  
13 we have local fire department approval, and as a matter  
14 of fact they have rather extensive plans in the CUP  
15 covering fire protection and prevention.

16 BOARD MEMBER PAPARIAN: Great. And then the  
17 last thing he mentions is defining the difference between  
18 waste tire storage and waste tire disposal.

19 MR. SMITH: And I think Martha was able to  
20 address that.

21 BOARD MEMBER PAPARIAN: Were you able to clarify  
22 that?

23 MS. GILDART: That's the whole issue between  
24 these two separate operations.

25 BOARD MEMBER PAPARIAN: Okay. Thank you.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any  
2 other questions?

3 BOARD MEMBER JONES: No speakers?

4 BOARD CHAIR MOULTON-PATTERSON: No speakers.  
5 Mr. Jones.

6 BOARD MEMBER JONES: Madam Chair, move adoption  
7 of Resolution 2002-7, consideration of the renewal and  
8 issuance of a major waste tire facility permit for the  
9 California Asbestos Monofill in Calaveras County.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you. And  
11 I'll second it.

12 We have a motion by Mr. Jones, seconded by  
13 Moulton-Patterson to approve Resolution 2002-7.

14 Please call the roll.

15 BOARD SECRETARY VILLA: Eaton?

16 BOARD MEMBER EATON: Aye.

17 BOARD SECRETARY VILLA: Jones?

18 BOARD MEMBER JONES: Aye.

19 BOARD SECRETARY VILLA: Medina?

20 BOARD MEMBER MEDINA: Aye.

21 BOARD SECRETARY VILLA: Paparian?

22 BOARD MEMBER PAPARIAN: Aye.

23 BOARD SECRETARY VILLA: Roberti?

24 BOARD MEMBER ROBERTI: Aye.

25 BOARD SECRETARY VILLA: Moulton-Patterson?

1 BOARD CHAIR MOULTON-PATTERSON: Aye.

2 I'd like to call a ten minute break right now.

3 Sorry, Mr. Fujii, but I think we need one.

4 (Thereupon there was a brief recess.)

5 BOARD CHAIR MOULTON-PATTERSON: Any ex-partes,  
6 Mr. Eaton?

7 BOARD MEMBER EATON: None to report, thank you.

8 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones?

9 BOARD MEMBER JONES: No.

10 BOARD CHAIR MOULTON-PATTERSON: I have none.

11 Mr. Medina, any ex-partes?

12 BOARD MEMBER MEDINA: None to report.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you.

14 Mr. Paparian?

15 BOARD MEMBER PAPARIAN: None.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you.

17 We're on item number seventeen.

18 MS. GILDART: Item seventeen is consideration of  
19 approval of scope of work for the contract to remediate  
20 the Tracy tire fire site for fiscal year 2002-2003.

21 This is similar to the scope of work the Board  
22 considered in dealing with the Westley site. One  
23 difference is the funding year actually starts next  
24 fiscal year; however, by getting the scope of work  
25 approved, we can go out for the request for

1 qualifications and have those selected and ready to go  
2 early in the fiscal year whenever the budget is signed  
3 and approved, and get the contractor out in the field as  
4 early as possible. So that's why we're bringing it  
5 forward today for your consideration.

6 And Bob Fujii of the Waste Tire Remediation  
7 Section will be presenting the item.

8 MR. FUJII: Good morning, Madam Chair, members  
9 of the Board.

10 Martha, as Martha mentioned, item seventeen, in  
11 item number seventeen staff is proposing that the Board  
12 approve a scope of work for the contract to remediate the  
13 Tracy tire fire site.

14 As you may recall, back in August of 1998 the  
15 tires that were being illegally stored at the Royster  
16 tire fire site were ignited. It was estimated there  
17 about were about seven million tires at the site at the  
18 time when the first started.

19 The fire burned for more than two years, until  
20 December of last year, when the Board approved and funded  
21 the remedial action that ultimately extinguished the  
22 fire.

23 What remains at the site are the remnants of the  
24 burnt tires which bead wires, ash, pyrolitic oil, and  
25 contaminated soil. About ten acres of the forty acre



1 site are covered with this material.

2 We, along with the Department of Toxics and the  
3 Regional Board, are currently working with U.S. EPA to  
4 conduct a site characterization out there in preparation  
5 for the Board's remedial activities.

6 The preliminary site characterization work  
7 includes sampling and analysis of all contaminated  
8 materials at the site, and a, the sampling and analysis  
9 part will be just completed at the beginning of this  
10 month.

11 We expect that the U.S. EPA, well the U.S. EPA  
12 is currently working on the final site characterization  
13 report that will summarize those findings and the results  
14 of the investigation, and hopefully identify the aerial  
15 and vertical extent of contamination, as well as provide  
16 some preliminary indication of whether the groundwater  
17 out there has been contaminated.

18 We anticipate that the U.S. EPA will complete  
19 the site characterization report sometime this spring.

20 This information will be used by the contractor  
21 who is ultimately awarded this contract to develop a work  
22 plan that will be used to remediate the site.

23 Based on the Board's remediation experience at  
24 Westley, it's anticipated that the successful contractor  
25 will be required to perform a variety of tasks. Some of

1 the tasks that would be provided by the contractor would  
2 include fire debris removal, site grading, winterization  
3 and drainage control, as well as confirmation sampling  
4 and analysis and, of course, environmental protection and  
5 monitoring.

6 It's because of the varieties of tasks, the  
7 variety of these tasks that would be performed under this  
8 contract that we are proposing to use a request for  
9 qualification process for this scope of work.

10 Based on our experience with the Westley  
11 remediation contract and our other tire contracts, we  
12 feel that the RFQ process will allow the Board and the  
13 contractor the flexibility to address the circumstances  
14 that I described to you earlier if they should arise  
15 during the cleanup.

16 In terms of the budget, as you know the five  
17 year plan budgeted \$20 million for the long-term  
18 remediation of both the Westley and the Royster tire fire  
19 sites; 11 million allocated for Westley, and nine million  
20 allocated for the Royster site. And it showed in the  
21 agenda items these funds are to be allocated over the  
22 next four years.

23 At this point staff would recommend the Board  
24 approve option number one and adopt Resolution 2002-4.

25 This concludes my presentation, and I'll be

1 happy to answer any questions.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
3 Fujii.

4 Mr. Eaton.

5 BOARD MEMBER EATON: Yes, Madam Chair. I met  
6 with the staff on this because I was concerned that we  
7 had sort of light on the scope of work. But one of the  
8 things is we will not be entering into a contract, is my  
9 understanding, until these site characterizations are  
10 completed so that we have an accurate assessment of what  
11 the tasks are?

12 MR. FUJII: Yes. I mean the site  
13 characterization port will be done this spring and we  
14 will be bringing before the Board an award, a contract  
15 award for the scope of work sometime in the May-June  
16 timeframe, so it would be after the characterization  
17 report was completed.

18 BOARD MEMBER EATON: And is, one of the things  
19 that is puzzling me is that the connection between the  
20 litigation of which, and the site after it's remediated,  
21 and the connection thereto, and hopefully the Executive  
22 Director can brief us on that connection. Because if we  
23 do remediate the site, then who becomes the owner of that  
24 site in terms of some of the other issues that may be  
25 there? And I'm trying to be somewhat vague because of

1 the potential for litigation and all the other kinds of  
2 things.

3 MR. FUJII: Sure.

4 BOARD MEMBER EATON: But I want at least some  
5 understanding when that contract comes back.

6 And two, I think that, as it relates to this,  
7 are you indicating that the reason why it's a three year  
8 or fiscal year contract is that's how long it's going to  
9 take you to clean up the site, or can the site be  
10 remediated more quickly but we have to just increase the  
11 amount allocated per fiscal year?

12 MR. FUJII: The three years is mostly a function  
13 of the length of time that the funding is, the funding  
14 allocated is good for, and so typically our agreements  
15 run for three years.

16 It could be that the site remediation could be  
17 completed within that three year period, or it could be  
18 done sooner depending on what we find when we're out  
19 there.

20 BOARD MEMBER EATON: So we will have a good  
21 assessment then once you get the site characterization as  
22 to, let's say, it will only take eighteen months to  
23 remediate this site perhaps, or it could take, you know,  
24 longer? I mean just for some planning.

25 MR. FUJII: We probably would have the best

1 assessment of how long it's going to take when our  
2 successful contractor has developed the work plan for  
3 actually cleaning up the site.

4 The site characterization report would certainly  
5 give us a volumetric estimate of what contamination is  
6 out there and how much we need to remove, but I think a  
7 better picture of it would be when our contractor is on  
8 board and we basically direct them to develop that work  
9 plan for ultimate cleanup of the site.

10 BOARD MEMBER EATON: Thank you.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
12 Eaton.

13 Mr. Jones.

14 BOARD MEMBER JONES: Thank you, Madam Chair. I  
15 would like to move adoption of Resolution 2002-4, the  
16 approval of the scope of work for the contract to  
17 remediate the Tracy tire fire site out of the Tire  
18 Recycling Management Fund, fiscal year 2002-3.

19 BOARD MEMBER MEDINA: Second.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
21 motion by Mr. Jones, seconded by Mr. Medina to approve  
22 Resolution 2002-4.

23 Please call the roll.

24 BOARD SECRETARY VILLA: Eaton?

25 BOARD MEMBER EATON: Aye.

1 BOARD SECRETARY VILLA: Jones?

2 BOARD MEMBER JONES: Aye.

3 BOARD SECRETARY VILLA: Medina?

4 BOARD MEMBER MEDINA: Aye.

5 BOARD SECRETARY VILLA: Paparian?

6 BOARD MEMBER PAPARIAN: Aye.

7 BOARD SECRETARY VILLA: Roberti?

8 (Not present.)

9 BOARD SECRETARY VILLA: Moulton-Patterson?

10 BOARD CHAIR MOULTON-PATTERSON: Aye.

11 Thank you, Mr. Fujii.

12 Number eighteen.

13 MS. GILDART: Agenda item eighteen is

14 consideration of approval of scope of work for

15 interagency agreement with the Office of the State Fire

16 Marshal to update tire fire protocol training program.

17 And this is for the fiscal year 2001-2 and 2002-3.

18 This is actually a renewal, well it's a new

19 contract, but we had had an agreement with the State Fire

20 Marshal in previous years that was quite successful, and

21 we are trying to expand upon that work.

22 The item will be presented by Bob Fujii.

23 MR. FUJII: Bob Fujii again, Special Waste

24 Division.

25 In item number eighteen staff is proposing that

1 the Board approve a scope of work for interagency  
2 agreement, Office of State Fire Marshal to develop a tire  
3 fire response protocol and, if necessary, amend the  
4 California Tire Fire Code, as Martha mentioned.

5 The original tire fire training that was  
6 developed by the State Fire Marshal's office back in 1984  
7 was done through an interagency agreement that we had  
8 with them at that time. Since then we've had several  
9 tire fires, and we've been able to gather a lot of  
10 additional information on firefighting techniques that we  
11 feel would be valuable.

12 In addition, back in October of 2000 the Board  
13 also convened a two-day workshop consisting of eight  
14 experts in the field of tire pile fires, and related  
15 health and safety issues.

16 The Board's contractor, who assisted us in  
17 convenience workshop, is in the process of developing a  
18 written report that will summarize the findings and  
19 recommendations of this panel of experts.

20 We're hoping to use and to have the State Fire  
21 Marshal use this information and knowledge as well as the  
22 knowledge we gain from the tire fires that have occurred  
23 in the information that would be used in the workshop to  
24 update the tire fire training program, and then the tire  
25 fire training program to local jurisdictions and, well,

1 throughout the State of California.

2 Then, if needed, the State Fire Marshal's office  
3 will also promulgate changes to the California Fire Code  
4 for enforcement consistency to the Public Resources Code  
5 of the California Code of Regulations pertaining to waste  
6 tire storage.

7 In terms of the budget. As you know, the five  
8 years plan budgeted 2000 in fiscal years 2001 and 2002,  
9 and 2002 and 2003 to work in cooperation with the State  
10 Fire Marshal's office to develop this program.

11 At this point staff will recommend the Board  
12 approve option number one and adopt 2002-5.

13 This concludes my presentation. Are there any  
14 other questions?

15 BOARD CHAIR MOULTON-PATTERSON: Thank you.

16 Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Madam Chair, I think at  
18 the briefing I asked a question about the \$175,000 for  
19 the program materials, if there was any further breakdown  
20 on that as well as assurance that it's going to be  
21 printed on recycled material, recycled content paper.

22 MR. FUJII: Right. The 75,000 was specifically  
23 targeted for printing and reproduction costs. This  
24 figure is obviously, is obviously, is estimated to be  
25 high, but it would cover things like instructor guides,



1 student manuals, editing of existing technical training,  
2 video title rings of fire, creation of new training  
3 video, illustrated technical storage standards for waste  
4 tire storage permittees, reproduction costs for videos  
5 and interactive CD Roms.

6           The, we anticipate that it will probably be less  
7 money than that, but we wanted to make sure that we had  
8 adequate funding in there to take care of all these  
9 contingencies to make sure that the training was going to  
10 run okay.

11           The remaining 100,000 is intended to cover the  
12 State Fire Marshal's staff time associated with preparing  
13 the training materials over the one year period. So  
14 that's kind of how it breaks down.

15           BOARD MEMBER PAPARIAN: So a hundred thousand is  
16 for their staff time to prepare the material?

17           MR. FUJII: Right.

18           BOARD MEMBER PAPARIAN: And 75,000 is to --

19           MR. FUJII: Right. And we understand it seems a  
20 little high but, and it may be lower, but --

21           BOARD MEMBER PAPARIAN: Okay. And then when we  
22 do things like this, is there an assurance that it will  
23 be printed on recycled content paper and so forth?

24           MR. FUJII: We can certainly make that a part of  
25 their agreement, definitely.

1 BOARD MEMBER PAPARIAN: Okay.

2 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

3 BOARD MEMBER JONES: Madam Chair, just two quick  
4 questions and then I'm going to make a motion if there's  
5 no other questions.

6 The idea about including what tire pile  
7 separation ought to look like, I don't know if that can  
8 be incorporated, just look at it. This may be a good  
9 vehicle to let fire districts throughout the state  
10 understand what those breaks all look like.

11 And then, we've been witnessed to different tire  
12 fighting technologies or products, as I'm sure the Fire  
13 Marshal has. I remember one of our past members, Mr.  
14 Frazee went down to look at a product that was supposed  
15 to put out tire fires, and they lit a pile of tires on  
16 fire, and when they hit it with the material it actually  
17 started roaring pretty good.

18 So, you know, I don't know if any consideration  
19 has been given to getting information about what  
20 product's out there or what, you know. I mean I know  
21 they're going to deal with techniques, I'm sure they're  
22 going to deal with products, maybe those that work and  
23 then those that maybe haven't at the time of testing  
24 delivered as well as you would have hoped that they would  
25 have, would probably be an asset, some salesmen do a

1 pretty good job of selling products, and we ought to give  
2 these folks a little bit of an opportunity to know what's  
3 been working and what hasn't.

4 But you just may want to think about that as  
5 something that could have some value to these local fire  
6 departments.

7 MR. FUJII: Sure.

8 BOARD MEMBER EATON: Before Mr. Jones make his  
9 point, I think he makes an excellent point. I don't  
10 think we've ever had a Fire Marshal come to the LEA  
11 conference, have we, and give a training?

12 MS. GILDART: We've had them attend the tire  
13 recycling conferences.

14 BOARD MEMBER EATON: No, that's not my question.

15 MS. GILDART: But not the LEA that I'm aware of.

16 BOARD MEMBER EATON: Because my understanding  
17 now is that we're spending a lot of money for local  
18 delegation of these tire enforcement activities, and it  
19 would seem to me that if the LEAs, at least in our  
20 annual, and I know you're in two different departments,  
21 but it would be helpful for the LEAs to at least hear at  
22 least one of the trainings.

23 Because in here I don't see much training. I  
24 see a hundred thousand for staff time, and 75,000 for  
25 printing, but who's going to go out to the local fire

1 departments? Is that money included as well? I mean is  
2 that part of the staff preparation?

3 But I also think you've got all the LEAs right  
4 there at one time, that it might be nice for them to do a  
5 central location LEA, and perhaps maybe Ms. Nauman and  
6 Ms. Gildart can get together on that.

7 MR. FUJII: That's a good idea, Mr. Eaton. In  
8 fact, it's part of the agreement with the Office of State  
9 Fire Marshals Office that right now there are eight  
10 targeted venues in the state that we're going to be  
11 taking this show on the road, so to speak, and so we can  
12 certainly make this training available to LEAs that are  
13 in those jurisdictions when it comes, you know, when it  
14 comes their way, definitely.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
16 Eaton.

17 Mr. Jones.

18 BOARD MEMBER JONES: Thanks, Madam Chair. We,  
19 the way that you just said that says in those eight  
20 venues that have already been predetermined, if we have  
21 to add a venue do we need to augment this contract?

22 MR. FUJII: You know, it would really depend on  
23 the cost. But if it looks like one works better than  
24 another we can certainly substitute or, you know, we  
25 wouldn't know that until we know where the venue is and

1 the number of people and that kind of thing. I don't  
2 think it would be a big deal.

3 BOARD MEMBER JONES: Maybe you can give us that  
4 option when that comes forward.

5 MR. FUJII: Sure.

6 BOARD MEMBER JONES: You know, that if we have  
7 to reallocate some dollars to get somebody at those LEA  
8 conferences, then we ought to do that.

9 MR. FUJII: Definitely.

10 BOARD MEMBER JONES: The household hazardous  
11 waste conference as well if there's appropriate there as  
12 well, I don't know.

13 But anyway, Madam Chair, I'm going to move  
14 adoption of Resolution 2002-5, consideration of the  
15 approval of the scope of work for an interagency  
16 agreement with the Office of the State Fire Marshal to  
17 update the tire fire protocol training program Tire  
18 Recycling Management Fund, fiscal years 1-2 and 2-3.

19 BOARD MEMBER MEDINA: Second.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
21 motion by Mr. Jones, seconded by Mr. Medina to approve  
22 Resolution 2002-5.

23 Please call the roll.

24 BOARD SECRETARY VILLA: Eaton?

25 BOARD MEMBER EATON: Aye.

1 BOARD SECRETARY VILLA: Jones?

2 BOARD MEMBER JONES: Aye.

3 BOARD SECRETARY VILLA: Medina?

4 BOARD MEMBER MEDINA: Aye.

5 BOARD SECRETARY VILLA: Paparian?

6 BOARD MEMBER PAPARIAN: Aye.

7 BOARD SECRETARY VILLA: Roberti?

8 BOARD MEMBER ROBERTI: Aye.

9 BOARD SECRETARY VILLA: Moulton-Patterson?

10 BOARD CHAIR MOULTON-PATTERSON: Aye.

11 Number 19.

12 MS. GILDART: Item 19 is consideration of  
13 approval of a scope of work for interagency agreement  
14 with the California Department of Parks and Recreation to  
15 identify development projects that will incorporate the  
16 use of waste tires. This is for fiscal year 2001-2002  
17 and 2002-03.

18 And this is an interagency agreement staff has  
19 been discussing with state parks on a way to expand the  
20 familiarity of state parks with various recycled content  
21 tire products.

22 This item will be presented by Jesse Adams of  
23 the Waste Tire Diversion Section.

24 MR. ADAMS: Madam Chair, Board members, good  
25 morning.

1           The five year plan for the waste tire recycling  
2 management program allocates 200,000 from the Tire  
3 Recycling Management Fund for each of the next five  
4 fiscal years, 2001-2002 through 2005-2006, to fund  
5 projects in state parks that utilize waste tires.

6           The activities proposed in this scope of work  
7 are for the interagency agreement with the Department of  
8 Parks, and will promote the use of rubberized asphalt  
9 concrete, RAC.

10          The scope of work frames the described  
11 reconstruction activities the Department has prioritized  
12 for the next two fiscal years, 2001-2002, 2002-2003.

13          There's been no previous Board action on this  
14 item.

15          Options for the Board are to approve the scope  
16 of work, attachment one, and the interagency agreement  
17 with the department by adopting Resolution number  
18 2002-39, or to direct staff to seek modification of the  
19 scope of work.

20          Staff recommends option one, the adoption of  
21 Resolution number 2002-39, approving the scope of work  
22 and the interagency agreement with California Department  
23 of Parks and Recreation.

24          In the scope of work as presented for  
25 consideration is for an interagency agreement for the two

1 years only. By approving a scope of work for a two year  
2 period, any revisions to funding levels or change in  
3 activities that may result from the biennial revision of  
4 the five year plan may be incorporated into subsequent  
5 agreements. A two year period will also allow the  
6 department the flexibility required for planning and  
7 contracting future reconstruction or future construction  
8 activities.

9 Benefits of the agreement will include  
10 utilization of California crumb rubber and a number of  
11 state park paving projects, providing the Board with both  
12 short and long-term reports on the suitability of the  
13 materials for use in state park environments and  
14 recommendations on its future use in state parks.

15 Projects for fiscal years 2003-2004 through  
16 2005-2006 are not being presented for Board approval at  
17 this time.

18 Under the scope of work, the department has  
19 determined that the use of rubberized asphalt concrete  
20 will initially best suit the needs of state park units  
21 and will consume the greatest number of passenger tire  
22 equivalents. This determination was based on the types  
23 of projects that the department has prioritized in its  
24 reconstruction planning, and which can be expeditiously  
25 conducted under the proposed interagency agreement.



1           The proposed work to be performed is to pave --  
2   year one would be to repair old paving and base, and  
3   overlay two roads at the San Luis Reservoir State and  
4   Recreation area in an area known as the Tank Roads.

5           And year two would overlay the main park  
6   thoroughfare.

7           These tasks shall be conducted as described in  
8   the scope of work. The length of the construction period  
9   for a paving project and the weather conditions affecting  
10   the construction period can make it difficult to start a  
11   project in one year and have construction completed in  
12   that same year.

13          The department intends to bid out each project  
14   within its program year with the construction portion of  
15   that project extending into the following year.

16          Deliverables noted under this scope of work are  
17   written reports upon completion of the project;  
18   construction photos; information on the provider and type  
19   of RAC; information on the passenger tire equivalents  
20   used in the project; construction cost information for  
21   use in estimating future projects of this type; and an  
22   outline of the installation characteristics including any  
23   problems, successes, and general short-term analysis of  
24   its appropriateness for use in future department paving  
25   projects.

1           That concludes my presentation. If you have any  
2 questions, myself or Mr. Don Bybee, a senior architect  
3 from the Park Design and Construction Division is here  
4 also to assist.

5           I see we're overwhelmed.

6           BOARD MEMBER EATON: No, I have a couple of  
7 questions. I see that one of these will be on a  
8 maintenance road of sorts, and one will be a  
9 thoroughfare, is that correct? Well at least according  
10 to my write-up one's the main thoroughfare and one's just  
11 the plant road. I'm familiar with that area.

12          MR. ADAMS: I believe that's correct, Mr. Eaton,  
13 yes.

14          BOARD MEMBER EATON: What I don't see in the  
15 scope of work, at least as it relates to the main  
16 thoroughfare, and I know that parks director Reyes, this  
17 will soon be his district as well, would be very  
18 concerned that there's no signage that promotes the fact  
19 that the Board has even been a participant in this. I  
20 don't see any scope of work signage in here.

21          And more importantly I see, in the deliverables,  
22 information on the provider and type of RAC, and this  
23 Board has at least I think gone pretty close to saying,  
24 specifying is this going to be California tire RAC?  
25 That's not in here.

1           What are those issues? I mean I'm just trying  
2 to get a scope of work here, and we see the contract, but  
3 that's my problem with the scopes of work. Are we going  
4 to have California only, is that part of it? Will there  
5 be signage that promotes the Board? I mean those kinds  
6 of things, and they're not in here. So perhaps someone  
7 could help us out when it comes to this.

8           Because one's going to be in a backwater, no  
9 one's going to see this. But the main thoroughfare I  
10 would think, the last few times I was at the San Luis  
11 Reservoir it's a quite heavily used facility on a number  
12 of fronts; you know, one, you know, recreation, as well  
13 as, you know, performs a function.

14          So will that be part of that? And if so, can we  
15 amend the scope of work to include it?

16          MR. ADAMS: We most certainly can. I believe  
17 the use of non-California is a non-issue as far as I'm  
18 concerned, it's California only or nothing.

19          The other item, we always have signage. I was  
20 assuming we could take care of this in the interagency  
21 agreement, but I think if we need to do the scope of work  
22 we can fix that certainly.

23          BOARD CHAIR MOULTON-PATTERSON: I think it  
24 should be in there.

25          MR. ADAMS: Okay.

1 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

2 Were you finished, Mr. Eaton?

3 BOARD MEMBER EATON: Yes.

4 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

5 BOARD MEMBER ROBERTI: Yes, Madam Chair. Along  
6 the lines of Mr. Eaton's comments, it's just been my  
7 sense of things, I've gone to a number of programs over  
8 the last few months where projects are involved where the  
9 Board in one of our funds or another has come up with the  
10 initial money or matching monies or a chunk of the money,  
11 and sometimes nobody even recognizes the fact that we  
12 produced the funds. Or other times I get the significant  
13 feeling that if I weren't there they wouldn't even  
14 mention it, you know, it's sort of coughed out at the  
15 end.

16 Local governments especially, especially, I know  
17 this is a state project, but local governments especially  
18 would like to think that the state didn't exist at all,  
19 and that the money dropped down on them from heaven.

20 So I think we should be, and I'm glad Mr. Eaton  
21 raised the point, a little bit more proactive in getting  
22 credit for what we do, because a lot of people,  
23 especially in Southern California, don't even know that  
24 the Board exists or that we make grants. Even on the  
25 things where we made the grant to the agency and then the

1 people that participate don't know.

2 And I also think Mr. Eaton's point, just to put  
3 an exclamation point on what he says so right on signage,  
4 that is terribly important.

5 And I have a question of my own. What percent  
6 of our grant money would go into this?

7 MR. ADAMS: For those projects it would be  
8 approximately one hundred percent.

9 BOARD MEMBER ROBERTI: A hundred percent of the  
10 funds that we have available for those years or --

11 MR. ADAMS: Correct.

12 MS. GILDART: Excuse me. The Board allocated  
13 \$200,000 for this fiscal year and subsequent fiscal years  
14 in the five year plan, so this particular project uses  
15 all the \$200,000 that was allocated to this activity. If  
16 you're asking what percent it is out of the whole fiscal  
17 year budget of 30 million?

18 BOARD MEMBER ROBERTI: But for this, for this  
19 particular program we are, it's one hundred percent of  
20 our monies allocated for the two fiscal years?

21 MS. GILDART: Correct.

22 BOARD MEMBER ROBERTI: I don't have a huge  
23 significant problem with that, but if we're going to do  
24 that then the world should know we're doing it, that it's  
25 taking up the bulk of our funds. And certainly whoever's

1 negotiating this with parks and rec, let them know so  
2 that we get equal credit.

3 MS. GILDART: We're happy to include a  
4 requirement of signage. We may have to discuss with  
5 state parks how that looks. They may have requirements  
6 on size and lettering and all that stuff so it fits in  
7 with the state park.

8 BOARD MEMBER ROBERTI: I understand.

9 MS. GILDART: But we're more than happy to add  
10 that to the --

11 BOARD MEMBER ROBERTI: But our lettering should  
12 be every bit as high as DPR because if we don't ask for  
13 it it won't happen, it won't happen, and with local --

14 MR. ADAMS: We can ask Mr. Bybee how large a  
15 sign we can get.

16 BOARD CHAIR MOULTON-PATTERSON: Excuse me, I was  
17 going to say we do have a representative.

18 MR. BYBEE: I'm Don Bybee, I'm a senior  
19 architect with the California State Parks. It's not a  
20 problem in anything you've requested. There can be a  
21 construction sign on site which would be a temporary sign  
22 which can discuss the funding source and different  
23 partners in the project.

24 And we've always felt that a major part would be  
25 an interpretive element which would inform the public of

1 the funding source and the types of materials we're using  
2 and the intended reasons for using those. So that can be  
3 included as a permanent sign.

4 And as Jesse said, there are some specific sign  
5 regulations we'll have to conform to within the park, but  
6 probably something adjacent to the road that, or at the  
7 beginning of the Tank Road where it's accessible to the  
8 public and can be seen by the public that would describe  
9 those funding sources and partners.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you, we  
11 appreciate it.

12 MR. BYBEE: You're welcome.

13 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

14 BOARD MEMBER PAPARIAN: A further followup on  
15 what Senator Roberti was mentioning, I think this is  
16 again a good opportunity for our Public Affairs Office,  
17 the types of things that we're funding.

18 I guess, I don't see them here, maybe Mark, you  
19 can let them know that, you know, this would be a good  
20 opportunity to let the world know the kinds of things  
21 that we're involved in.

22 We had a question that came up at the briefing  
23 and I wanted to know if there's any followup on that.  
24 The question was related to, the original thought I think  
25 with this grant program was that we would look at

1 different climate zones for, we'd actually get some  
2 research information from these grants. We'd look at the  
3 impacts of RAC in different climate zones.

4 And the question at the briefing was, well, is  
5 this the same locations or how do you do a different  
6 climate zone kind of analysis?

7 MR. BYBEE: I think over the five year program  
8 that was the intent initially. Presently we have a  
9 deferred maintenance program and a series of those  
10 projects were paving projects.

11 The two particular projects that are first on  
12 the list are projects in which the working drawings are  
13 actually complete on, so I think initially the reason  
14 those were proposed is because they could be started  
15 fairly quickly. There was a lower overhead cost against  
16 the money that would be provided through the Waste  
17 Management Board. So those will have a narrower window  
18 of environmental conditions.

19 Then as we proceed into the future years we have  
20 priority statewide we have priority statewide which we'll  
21 identify and then try to use projects in other areas.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
23 much.

24 Mr. Jones.

25 BOARD MEMBER JONES: Madam Chair, just one quick



1 question. Under task six, the second or third one down  
2 that says, "Information on the provider and the type of  
3 RAC."

4 Are we talking about the dry process or some  
5 other new process? Or is this going to be the wet  
6 process which this Board has endorsed because of its long  
7 history with successful projects?

8 Because there's a huge difference in my mind if  
9 we're going to start experimenting. And if we are I'd  
10 just think we need to make sure it's identified ahead of  
11 time.

12 MR. ADAMS: Point well put. I think we would  
13 judiciously use that which is best proven.

14 BOARD MEMBER JONES: Okay. Because that does  
15 get rid of the most tires.

16 MR. ADAMS: Sure.

17 BOARD MEMBER JONES: Madam Chair.

18 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

19 BOARD MEMBER JONES: I'm going to move adoption  
20 so we can get onto our 11:30 signing.

21 I want to move adoption of Resolution 2002-39,  
22 consideration of approval of the scope of work for  
23 interagency agreement with the California Department of  
24 Parks and Recreation to identify development projects  
25 that will incorporate the use of waste tires out of the

1 fund 2001-2, 2002-3.

2 BOARD MEMBER MEDINA: Madam Chair, I would like  
3 to second the motion.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you. We  
5 have a motion by Mr. Jones, seconded by Mr. Medina to  
6 approve the revised scope of work, Resolution 2002-39.

7 Please call the roll.

8 BOARD SECRETARY VILLA: Eaton?

9 BOARD MEMBER EATON: Aye.

10 BOARD SECRETARY VILLA: Jones?

11 BOARD MEMBER JONES: Aye.

12 BOARD SECRETARY VILLA: Medina?

13 BOARD MEMBER MEDINA: Aye.

14 BOARD SECRETARY VILLA: Paparian?

15 BOARD MEMBER PAPARIAN: Aye.

16 BOARD SECRETARY VILLA: Roberti?

17 BOARD MEMBER ROBERTI: Aye.

18 BOARD SECRETARY VILLA: Moulton-Patterson?

19 BOARD CHAIR MOULTON-PATTERSON: Aye.

20 Thank you, and thank you for agreeing.

21 Okay, that takes us back to number one, our  
22 continued item at this time.

23 MR. SCHIAVO: Item one, Pat Schiavo of  
24 Diversion, Planning and Local Assistance Division.

25 And item number one is consideration of approval

1 of a memorandum of understanding between the California  
2 Integrated Waste Management Board and the Morongo Band of  
3 Mission Indians.

4 And Catherine Cardozo will be making a brief  
5 presentation.

6 MS. CARDOZO: Good morning, Madam Chair and  
7 Board members.

8 A recent estimate showed that California Indian  
9 tribes will be investing about 2.5 billion dollars  
10 statewide on development projects within the next year.  
11 Some of these tribes have expressed an interest in  
12 incorporating green building policies into their building  
13 plans, like using recycled content products in new  
14 construction.

15 The Morongo Band of Mission Indians was the  
16 first tribe to express such an interest. In September we  
17 brought before you a discussion item on staff's intention  
18 to expand the Board's existing outreach and technical  
19 assistance programs to include California Indian tribes  
20 where appropriate.

21 One of the ways we proposed to provide such  
22 outreach and technical assistance regarding source  
23 reduction and recycling programs, including green  
24 building information, was through the formation of  
25 partnerships or formal agreements between the Board and

1 willing tribes.

2           Such a formal agreement is the subject of this  
3 agenda item, and the details of the agreement are  
4 described in attachment one.

5           The purpose of the Agreement between the Board  
6 and the Morongo Band of Mission Indians is three-fold.

7           One, to foster an intergovernmental relationship  
8 between the two parties for facilitating and implementing  
9 waste reduction and recycling activities on the Morongo  
10 Band Reservation and in the State of California.

11           Two, to continue the protection of the Morongo  
12 Bands and the Californian's environmental resources.

13           And three, to establish a model for future  
14 formalized agreements between the Board and other  
15 California tribal governments that desire to incorporate  
16 recycling and waste reduction activities into their  
17 development plans.

18           Ms. Luanne Martin, vice chair of the Morongo  
19 Band of Mission Indians, is here today in case you have  
20 any questions for her.

21           That concludes my presentation. And do you have  
22 any questions for staff or for Ms. Martin?

23           BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
24 Cardozo. We really appreciate your work on this, and  
25 we're so glad to have Ms. Martin here.

1           I want to say before we begin that I really  
2   appreciate Board Member Medina's leadership on this.  
3   This has taken a lot of time, and it's very much  
4   appreciated.

5           And at this time I'll turn it over to Mr.  
6   Medina.

7           BOARD MEMBER MEDINA: Thank you, Madam Chair.

8           If there are no further Board comments or  
9   questions I have, I must say that good things are worth  
10   waiting for and that's certainly the case here.

11          And Madam Chair, I would like to move that the  
12   Board approve the attached memorandum of understanding  
13   between the California Integrated Waste Management Board  
14   and the Morongo Tribe.

15          I would further move that the Chair and I be the  
16   official signatories on behalf of the Board to this  
17   memorandum; that Secretary Winston Hickox shall sign as a  
18   witness on behalf of the California Environmental  
19   Protection Agency; Luanne Martin, Vice Chair of the  
20   Morongo Tribe will sign on the tribe's behalf. And I  
21   welcome Ms. Martin to our meeting here today.

22          As all Board members are aware, this is an  
23   historic agreement that has been in the making since  
24   early last year. It is the first of what I hope will be  
25   many such agreements that will be instituted with the

1 tribes in California so that we may enter into mutual  
2 working relationships to achieve the mission of the  
3 Board, a clean and healthy environment that reuses,  
4 recycles, and moves us towards zero waste.

5 So with that, Madam Chair, I would like to move  
6 the resolution.

7 BOARD CHAIR MOULTON-PATTERSON: It's a  
8 memorandum.

9 BOARD MEMBER MEDINA: I would like to move the  
10 memorandum, Madam Chair.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you.

12 BOARD MEMBER JONES: Second.

13 BOARD CHAIR MOULTON-PATTERSON: And we have a  
14 second by Mr. Jones. Motion by Mr. Medina, seconded by  
15 Mr. Jones to approve this very important agreement.

16 Please call the roll.

17 BOARD SECRETARY VILLA: Eaton?

18 BOARD MEMBER EATON: Aye.

19 BOARD SECRETARY VILLA: Jones?

20 BOARD MEMBER JONES: Aye.

21 BOARD SECRETARY VILLA: Medina?

22 BOARD MEMBER MEDINA: Aye.

23 BOARD SECRETARY VILLA: Paparian?

24 BOARD MEMBER PAPARIAN: Aye.

25 BOARD SECRETARY VILLA: Roberti?

1 BOARD MEMBER ROBERTI: Aye.

2 BOARD SECRETARY VILLA: Moulton-Patterson?

3 BOARD CHAIR MOULTON-PATTERSON: Aye. I'd also  
4 like to thank Secretary Hickox for being here and being a  
5 part of it, and I understand that we're going to adjourn  
6 to -- which room? -- in the lobby to do the actual  
7 signing. And I'd like to invite everybody to come along  
8 and see this signing and participate.

9 And we will take our lunch break after this and  
10 return at approximately 1:15 or 1:00. We'll compromise  
11 and say 1:15.

12 (Thereupon the signing ceremony took place.)

13 (Thereupon the luncheon recess was taken.)

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1 AFTERNOON SESSION

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Okay. I'd just  
4 like to call the meeting back to order.

5 Mr. Eaton, do you have any ex-partes?

6 BOARD MEMBER EATON: None to report, thank you.

7 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones?

8 BOARD MEMBER JONES: None to report.

9 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina?

10 BOARD MEMBER MEDINA: None to report.

11 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian?

12 BOARD MEMBER PAPARIAN: I received a fax from  
13 BFI as well as a copy of what was handed to me of some  
14 information regarding agenda item 42, the permit for  
15 Newby Island.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you. And  
17 I have none.

18 We're on item number twenty. Ms. Gildart.

19 MS. GILDART: Item twenty is consideration of  
20 approval of scope of work for the evaluation of the  
21 Northern and Southern California Rubberized Asphalt  
22 Concrete Technology Centers contract.

23 If you'll remember, in November of 2001, when  
24 the Board was considering renewing the agreements with  
25 the Northern and Southern RAC centers, the Board directed



1 staff to use some of the funding and develop a contract  
2 proposal to evaluate the performance of the two centers.  
3 This is that scope of work.

4 There is a total of \$100,000 available from the  
5 five year plan allocation on the RAC centers to conduct  
6 the evaluation. You've been given a revised scope of  
7 work, it was handed out earlier today.

8 The main revisions were in the timing on the  
9 survey of the local government transportation departments  
10 and in the overall timeline. We tried to accelerate it  
11 so that the results would be available sooner when the  
12 Board comes to reconsider any future funding at these RAC  
13 centers.

14 Briefly, the scope of work requires the  
15 contractor to set up the actual measurement process for  
16 determining the success of these programs.

17 They will be looking at many of the Board's  
18 documents, agenda items, directions from the past to set  
19 up a list of criteria and methodology for evaluation.

20 They will survey the local government  
21 transportation departments who have attended or have  
22 knowledge or not, to determine how well the RAC centers  
23 have been communicating information on the use of RAC.

24 And they will prepare reports for the Board and  
25 possibly present them both at Board meetings or at

1 conferences.

2           The timeline has been accelerated for the final  
3 product to be available about 240 days after the start of  
4 the contract task.

5           If there are any questions on the specifics of  
6 the scope of work we can take them now.

7           BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.  
8 Paparian, and then Mr. Medina.

9           BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

10           I had a couple of items. Martha, looking, I'm  
11 looking at the revised one and finding my spot here. On  
12 page two of the revised down near the bottom it talks  
13 about developing a contact list of stakeholders relevant  
14 to the use of RAC and local government pavement projects.

15           I just want to make sure, the stakeholders  
16 relevant, are you envisioning that to be just local  
17 governments or to be local governments plus others  
18 interested in the use of RAC in these sorts of projects,  
19 such as the vendors of crumb rubber and others who might  
20 have an interest?

21           MS. GILDART: We can certainly add those. I  
22 believe our intent, because the RAC centers have been  
23 established with the concept that local government is  
24 best approached by other local government entities, that  
25 if we were trying to encourage the use of RAC by, you

1 know, city and state governments, having them work with a  
2 fellow county or city government was the best approach.  
3 So in this sense we were going to be focusing most of our  
4 surveys on other local governments.

5 If there's any reason you want to include other  
6 parties, we certainly can.

7 BOARD MEMBER PAPARIAN: Yeah, I understand that  
8 the local governments are the primary folks who are  
9 utilizing the centers and who would be in a position to  
10 judge. But I think that some of the others in the RAC  
11 world would probably be worth contacting. They might  
12 have some additional news because they also serve  
13 governments directly in addition to through the RAC  
14 center. So you might want to change that to something  
15 like develop a contact list of stakeholders relevant to  
16 the procurement, promotion, and use of RAC in local  
17 government pavement projects, or however you want to word  
18 it so that there's some contact with others in the RAC  
19 world.

20 And then I think that that might follow in some  
21 of the other tasks. I haven't gone through to check that  
22 all, but at least contacting some folks beyond just local  
23 government as they carry out some of the other tasks.

24 The other, another item I wanted to bring up,  
25 and I think it probably belongs under the new task four

1 on page four is I'd like them to look at the interaction  
2 between the two centers and determine whether there's any  
3 recommendations to be made with regards to that.

4 I don't want to prejudge the outcome in the way  
5 that's said, but I think it would be worth taking a look  
6 at how the centers are interacting with each other, how  
7 they're sharing their experiences, and whether there's  
8 any improvements to be made there.

9 Further up on that page, just FYI, the  
10 contractor under task three is going to review  
11 allocations and compare allocations to expenditures and  
12 so forth.

13 I would hope that that would be kind of a pretty  
14 minor part of what they do because I think we're already  
15 doing that. I think, I think the admin folks already  
16 look at the bills and compare them to that.

17 MS. GILDART: Yeah, this wouldn't be an audit  
18 level financial review.

19 BOARD MEMBER PAPARIAN: Right. And one of my  
20 intentions in suggesting this originally was not to get  
21 to the financial audit kind of stuff, but more  
22 programmatic stuff.

23 And I think, also I think we talked at the  
24 briefing, maybe Mr. Jones might want to follow up to  
25 take a look at this question of the patented technology

1 that is there in the Los Angeles area, I don't know if  
2 you've got some better wording that I can come up with?

3 BOARD MEMBER JONES: I'll go after Mr. Medina.

4 BOARD CHAIR MOULTON-PATTERSON: Okay, Mr. Medina  
5 is next, and then Mr. Jones.

6 BOARD MEMBER MEDINA: Yes, Madam Chair.

7 In an open meeting I had previously requested  
8 staff to make changes to this agenda item to modify the  
9 scope of work. And since I don't see the requested  
10 changes I'll propose that the scope of work be amended at  
11 page 20-7, task four, to read,

12 "Determine from available  
13 literature what portion of the RAC  
14 being used is generated from reused  
15 or waste tires generated in  
16 California."

17 And then I wanted to work that into, when we get  
18 to passing the resolution I wanted to work that into one  
19 of the clauses.

20 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
21 Medina.

22 Mr. Jones.

23 BOARD MEMBER JONES: Thanks, Madam Chair.

24 I want to ask Mr. Paparian because I think he  
25 hit on something and I just want to -- the involvement of

1 others other than local government in the RAC community,  
2 could it also be like if those people see, or if they can  
3 offer suggestions that might promote more use of RAC than  
4 maybe the centers are turning a deaf ear to or they don't  
5 feel -- is that kind of what you're --

6 BOARD MEMBER PAPARIAN: That would be among the  
7 things.

8 BOARD MEMBER JONES: Yeah, among some of the  
9 things.

10 BOARD MEMBER PAPARIAN: And then some of the  
11 crumb rubber manufacturers maybe deal directly with  
12 government as well as through the RAC centers, they might  
13 have some ideas about --

14 BOARD MEMBER JONES: How to make it better.

15 BOARD MEMBER PAPARIAN: -- improving it, right.

16 BOARD MEMBER JONES: Yeah, it makes a lot of  
17 sense, it makes a lot of sense.

18 And then on the, on task four, new task four on  
19 that revised, it may be appropriate as was, as I brought  
20 up in the agenda briefing. I don't know the name of the  
21 product, but L.A. County has a product that they get a  
22 royalty from whenever it is put down, a RAC product. It  
23 has generally been proposed along with wet and dry. It's  
24 a terminal blend that may not use very many, very much  
25 crumb rubber at all.

1           So I would like under task four, if it's okay  
2 with fellow members, to add something that we review the  
3 Southern California RAC center to see how they're  
4 promoting that product, and at a minimum contact those  
5 cities or public works departments that have, in fact,  
6 selected the L.A. County product, and find out how it was  
7 presented to them, and did they evaluate the wet process  
8 and the other process, or was it just basically presented  
9 to them as the process?

10           And I think it's important, because at 500,000  
11 bucks, even the new 225,000, I don't think we deserve to  
12 be the advertising arm for a product that the county can  
13 get a royalty from.

14           And if people are using it because they can't  
15 afford wet and they can't afford, or they don't want to  
16 try the other process, I don't have a problem with that.

17           But it's been a question since I've been on this  
18 Board, so I think this is a perfect vehicle to get some  
19 real information other than anecdotal to determine why  
20 those selections are being made and how was it being  
21 presented, if that makes sense. I don't think that's too  
22 much.

23           MS. GILDART: We can include in the survey  
24 perhaps a question of all the local governments in the  
25 state as to what type they've chosen, if any. That would

1 give us a broader database. But yes, we can include  
2 that.

3 BOARD MEMBER JONES: Right, and then follow up  
4 with those that have to get more detailed information on  
5 what was presented.

6 MS. GILDART: And why.

7 BOARD MEMBER JONES: Right. Thanks.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you. So  
9 we had a number of suggestions. Have you gotten all  
10 those, Martha, I mean Ms. Gildart?

11 MS. GILDART: I think so.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you.

13 Did you want to make the motion, Mr. Medina?

14 BOARD MEMBER MEDINA: Yes, I can move forward  
15 with it. Madam Chair, I move forward with the motion,  
16 and each Board member can contribute to changes they want  
17 to make.

18 BOARD CHAIR MOULTON-PATTERSON: Okay.

19 BOARD MEMBER MEDINA: I'd like to move  
20 Resolution 2002-40, approval of scope of work for the  
21 evaluation of the Northern and Southern California  
22 Rubberized Asphalt Concrete Technology Centers contract,  
23 Tire Recycling Management Fund, fiscal year 2001-2 and  
24 2002-3. And the resolved clause that I wanted to add  
25 was, "Now therefore be it resolved that the Board



1 approves the scope of work as amended for the evaluation  
2 of the Northern and Southern California Rubberized  
3 Asphalt Concrete Technology Centers contract," and  
4 specifically what I would like to see is, a determination  
5 from available literature what portion of the RAC being  
6 used is generated from reused or waste tires generated in  
7 California.

8 BOARD CHAIR MOULTON-PATTERSON: Did you have  
9 special wording, Mr. Paparian?

10 BOARD MEMBER PAPARIAN: Madam Chair, I'll second  
11 that, but I think that the staff was comfortable with the  
12 wording that we went over, I don't know if we need to, is  
13 there a need to review that again? Or I had some  
14 wording, Mr. Jones had some wording. I think we're okay.  
15 So I can second it.

16 BOARD CHAIR MOULTON-PATTERSON: We've got yours.

17 BOARD MEMBER PAPARIAN: I think we've got it.

18 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

19 BOARD MEMBER JONES: It's fine.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. Senator  
21 Roberti, before we vote, any ex-partes?

22 BOARD MEMBER ROBERTI: No ex-partes.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you.

24 So we have a motion by Mr. Medina, seconded by  
25 Mr. Paparian to approve Resolution 2002-40 with

1 revisions.

2 Please call the roll.

3 BOARD SECRETARY VILLA: Eaton?

4 BOARD MEMBER EATON: Aye.

5 BOARD SECRETARY VILLA: Jones?

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY VILLA: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 BOARD SECRETARY VILLA: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 BOARD SECRETARY VILLA: Roberti?

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY VILLA: Moulton-Patterson?

14 BOARD CHAIR MOULTON-PATTERSON: Aye.

15 Number 21.

16 MS. WILLD-WAGNER: Number 21. Good afternoon,

17 Madam Chair and Board members. I'm Shirley Willd-Wagner

18 of the Special Waste Division. The next three items are

19 Used Oil and Household Hazardous Waste Branch items.

20 Number 21 is consideration of approval of

21 grantee requests to extend some document submittal

22 deadlines for the used oil block grant, fiscal year

23 2001-2002.

24 This item is based on two different policies

25 that the Board has established over the past years. The

1 first is that in September, 2000 Board meeting the Board  
2 passed a policy that said that all used oil block grant  
3 applications must be submitted in total, and complete  
4 applications by December 1 of each fiscal year.

5 The second policy appropriate here is one that  
6 was passed by the Board in December of 1998 and states  
7 that the signed grant agreement needs to be returned to  
8 the Board within ninety days of the mailing of the grant  
9 application packet, the grant agreement package.

10 That second policy applies to all grants that  
11 are submitted to the Board and that are operated by the  
12 Board.

13 The first policy is unique to the used oil block  
14 grant program.

15 Today, this is the first time we're bringing  
16 this kind of item forward.

17 We have four grantees, two for each policy, to  
18 me a nice and even split, that have not submitted the  
19 required documents by the deadline, and they are coming  
20 to the Board requesting your consideration to have an  
21 exception to that policy.

22 The City of Irvine and Tehama County Sanitary  
23 Landfill agencies both have failed to submit a complete  
24 application by December 1st. These are mainly minor  
25 problems with the resolution and authorization letters,

1 but they were not completely in by December 1st.

2 The City of Santa Barbara and the City of El  
3 Cerritos failed to return their signed grant agreement  
4 within the ninety due deadline, and that's where they are  
5 requesting their exception to that policy.

6 The letters are received and directed to Ms.  
7 Terry Jordan of the Administration and Finance Director  
8 outlining the specifics of each case. And I can either  
9 go through those if you'd like. I know that a  
10 representative is here from Tehama County to describe his  
11 situation.

12 The current staff recommendation is to deny  
13 these permits based on current Board direction, but we do  
14 acknowledge that these agencies have made due diligence  
15 and efforts to try to comply with the deadline, so we'll  
16 leave that decision up to you.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
18 you. Any questions before the speaker.

19 Alan Abbs, Tehama County, City of Red Bluff  
20 Landfill Management Agency.

21 MR. ABBS: Good afternoon, Madam Chair and  
22 members of the Board. My name is Alan Abbs, and I'm the  
23 Solid Waste Director for Tehama County, and also the  
24 director for two joint powers authorities that oversee  
25 waste management within Tehama County.

1           Unfortunately for the 55,000 residents of Tehama  
2 County, I negatively distinguished myself by missing the  
3 deadline of December 1st for the used oil block grant.

4           I assumed the director position in September,  
5 2001. The letters of support had already been submitted  
6 to the Waste Board, but unfortunately they were titled,  
7 "Household Hazardous Waste, Seventh Cycle," rather than  
8 "Used Oil, Seventh Cycle."

9           In the resulting confusion, when I submitted  
10 revised letters I did miss the December 1st deadline by  
11 approximately a week.

12           In the four months since assuming the  
13 directorship, however, the management agency has  
14 completed CEQA studies for a land acquisition, a material  
15 recovery facility, and compost facility.

16           We have completed a long overdue closure and  
17 post closure maintenance plan. I have heard that the  
18 plan has been approved and we will be receiving written  
19 approval within the next two weeks.

20           We've completed the final engineering for the  
21 material recovery facility and the compost facility which  
22 should raise our 2000 diversion rate from 46 percent to  
23 above 50 percent.

24           We'll be awarding a contract for a methane gas  
25 extraction system which will resolve our notice and order

1 for a methane gas violation which we've had for over a  
2 year at the landfill.

3 We're also nearly complete with a permanent  
4 household hazardous waste facility, and started our five  
5 year review of our SRRE and Integrated Waste Management  
6 Plan.

7 We couldn't have done all this without support  
8 from members of the Waste Board, and just to name a few  
9 that have helped us include Carla Repucci, Jacques  
10 Graber, Christine Carl, Diana Vaughn-Thomas, and Jill  
11 Simmons.

12 I understand that there is a deadline of  
13 December 1st, and I understand that there's a reason for  
14 that deadline, but I believe that the county was  
15 complying with the spirit of the rules in submitting the  
16 wrongly titled letters of authorization back in  
17 September.

18 Additionally, I think that the efforts of the  
19 management agency for Tehama County that have been put in  
20 place in the last four months should also be considered,  
21 and that we're making every effort to fulfill our  
22 responsibilities despite some staffing problems that we  
23 have within the county right now.

24 So unless members of the Board have any  
25 questions I'd like to end by requesting that the Board

1 extend the deadline for the grant and allow Tehama County  
2 and the cities of Corning, Red Bluff, and Tehama to  
3 participate in the 2001-2002 grant cycle.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you for  
5 being here and clarifying that.

6 Any questions? Okay. Thank you.

7 Mr. Jones.

8 BOARD MEMBER JONES: Shirley, they had  
9 everything in, it's just they mistitled the thing?  
10 Instead of saying used oil they said household hazardous  
11 waste?

12 MS. WILLD-WAGNER: Yes. The others are  
13 relatively minor also, but in consultation with admin and  
14 legal we decided we should bring this forward.

15 BOARD MEMBER JONES: Oh, yeah, no, I have no  
16 problem with that, I just remember how many SRREs were  
17 approved when the consultants forgot to change the name  
18 of the city, they just plugged another forty grand into  
19 the bank account and hit print, so --

20 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
21 Jones.

22 Okay. Do we have any questions?

23 BOARD MEMBER JONES: Do we have particulars on,  
24 I mean Tehama County came down, I'd be interested to know  
25 where he is going to get the funding for all the

1 programs, he's probably got a target on his back in that  
2 town right now.

3 No, I'm only kidding. Because that's an  
4 ambitious schedule and you should be applauded for what  
5 you're doing.

6 Irvine was what, a letter?

7 MS. WILLD-WAGNER: Irvine was a resolution that  
8 had been scheduled -- actually they had submitted a  
9 resolution they thought was appropriate, again it was  
10 inappropriate for this exact grant cycle, they  
11 rescheduled the resolution, it was heard January 8th, and  
12 it has been passed and adopted by their city council. So  
13 they now comply.

14 BOARD MEMBER JONES: So that was another one  
15 with the wrong title on the resolution.

16 MS. WILLD-WAGNER: It wasn't the wrong title but  
17 it was something very similar. It was inappropriate  
18 wording in the final resolution for some small issue.

19 BOARD MEMBER JONES: Okay.

20 MS. WILLD-WAGNER: And the other one from El  
21 Cerritos was the application or the actual agreement was  
22 misplaced. Again they had staff turnover where they did  
23 not have a director for a number of months, and their  
24 letter states that they were focused on providing  
25 uninterrupted service with the curbside oil and household



1 hazardous waste facility, and this thing fell through the  
2 cracks, the signed grant agreement.

3 BOARD MEMBER JONES: Madam Chair.

4 BOARD CHAIR MOULTON-PATTERSON: Yes, Mr. Jones.

5 BOARD MEMBER JONES: I voted affirmatively on  
6 both of those resolutions in '98 and in 2000. And one of  
7 the reasons, and I know Mr. Eaton at the time helped  
8 rectify, our staff was continually at a loss for getting  
9 documents back to 'em. They had a real hard time  
10 managing that program because people were just not  
11 adhering to the timetables, and something had to be done  
12 by this Board to make sure that happened.

13 I think that we've seen a positive response to  
14 that, haven't we, Shirley?

15 MS. WILLD-WAGNER: Yes, we have.

16 BOARD MEMBER JONES: And so clearly it has done  
17 what it was intended to do. I'm hoping that this, that  
18 if I make a motion to extend this, to accept these, that  
19 it does not become the new policy but just strictly a way  
20 to deal with what had been an administrative oversight.

21 It's, it looks like in reading all of these that  
22 they had actually, I think all except El Cerritos had  
23 followed all of our rules, they just had mistitles or  
24 something wasn't, but they had the resolutions, they had  
25 the letters done, they had all those things done, they

1 just didn't put the right title in or something along  
2 that lines which tells me that they were going through  
3 the process.

4 And I guess my question to staff is, if we were  
5 to, if I was to make a motion to allow this extension, do  
6 you feel that it hurts your ability to manage this  
7 program?

8 MS. WILLD-WAGNER: No, I don't, especially with  
9 your wording today. I think that the public would be  
10 best served by getting this money out to the grantees.

11 BOARD MEMBER JONES: Okay.

12 BOARD CHAIR MOULTON-PATTERSON: So are you ready  
13 to make a motion?

14 BOARD MEMBER JONES: If there's no other  
15 comment, I'll make a motion that we, on this time only,  
16 extend those deadlines to take care of those four  
17 jurisdictions to take advantage of the used oil block  
18 grant. And if I said that wrong, better tell me it's  
19 right so the resolution can go through.

20 Is it Resolution 2002-42, consideration of the  
21 approval of a grantee's request to extend document  
22 submittal deadlines for the used oil block grant, fiscal  
23 year 2001-2002.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you. I'll  
25 second that.

1 BOARD MEMBER JONES: Madam Chair, I think  
2 there's a --

3 MS. WILLD-WAGNER: We would have to revise the  
4 resolution.

5 BOARD MEMBER EATON: The resolution is to deny.

6 BOARD MEMBER JONES: I want this revised.

7 MS. WILLD-WAGNER: You want to strike the word  
8 deny and --

9 BOARD MEMBER JONES: To approve it.

10 MS. WILLD-WAGNER: -- to approve time extensions  
11 for those grantees.

12 BOARD MEMBER JONES: Right, thank you.

13 BOARD CHAIR MOULTON-PATTERSON: So we have a  
14 motion by Mr. Jones, seconded by Moulton-Patterson, to  
15 revise 2002-42, is that correct?

16 MS. WILLD-WAGNER: Yes.

17 BOARD CHAIR MOULTON-PATTERSON: Please call the  
18 roll.

19 BOARD SECRETARY VILLA: Eaton?

20 BOARD MEMBER EATON: Aye.

21 BOARD SECRETARY VILLA: Jones?

22 BOARD MEMBER JONES: Aye.

23 BOARD SECRETARY VILLA: Medina?

24 BOARD MEMBER MEDINA: Aye.

25 BOARD SECRETARY VILLA: Papanian?

1 BOARD MEMBER PAPARIAN: Aye.

2 BOARD SECRETARY VILLA: Roberti?

3 BOARD MEMBER ROBERTI: Aye.

4 BOARD SECRETARY VILLA: Moulton-Patterson?

5 BOARD CHAIR MOULTON-PATTERSON: Aye.

6 Number 22.

7 MS. WILLD-WAGNER: Item 22 is consideration of  
8 approval for options to establish a cap on the storm  
9 water, the new storm water legislation that has recently  
10 passed. And this item will be presented by Jim Lee.

11 MR. LEE: Good afternoon, Madam Chair, members  
12 of the Board. My name is Jim Lee, I'm a supervisor in  
13 the Used Oil and Household Hazardous Waste Branch.

14 Item 22 is consideration of approval to  
15 establish a cap for storm water related expenditures by  
16 local governments through the used oil block grant.  
17 Please note that this title reflects some minor changes  
18 from that in the published agenda, but is the same as  
19 that listed in the resolution.

20 This item is a response to new legislation that  
21 went into effect on January 1st. This legislation,  
22 Assembly Bill 560, conditionally allows for block grant  
23 funds to be utilized for the mitigation and collection of  
24 oil and oil by-products from storm water runoff. Storm  
25 water inlet filters are explicitly noted in the

1 legislation as an example of the type of device which is  
2 conditionally approved pursuant to this legislation.

3 Conditions specified in statute for this use  
4 include the following:

5 A comprehensive local used oil collection and  
6 education program must be in place. Staff will refer to  
7 this condition as the quote unquote "Core program  
8 requirement."

9 The second condition is that the grantee  
10 self-certify that it has a Regional Water Quality Control  
11 Board approved storm water management plan in place, and  
12 that the provisions in the local used oil collection  
13 program approved for funding under the block grant are  
14 consistent with that plan. You will note that the  
15 revision under key issues in the agenda item clarifies  
16 this point.

17 The legislation itself does not include any cap  
18 on storm water related elements. However, staff  
19 recommends to the Board as option one that a 50 percent  
20 cap on storm water related expenditures be imposed.

21 Staff feels the cap is necessary to ensure grant  
22 funds are preserved for the core program, used oil  
23 recycling, collection, and education efforts.

24 Staff also recommends that the Board authorize  
25 jurisdictions to request Board approval of a higher cap

1 upon a justified showing. The legislation's author's  
2 office has been consulted about staff's proposal. They  
3 have no objections and, indeed, feel it is consistent  
4 with legislative intent that the core program elements  
5 not be compromised by this legislation.

6 I'd like to relate to you some additional facts  
7 which staff considered in making our recommendation.

8 Approximately forty percent of our block  
9 grantees receive \$20,000 per year or less. Installation  
10 of one particular type of storm water inlet filter device  
11 may cost three hundred to four hundred dollars at each  
12 inlet location. Maintenance on one device at one  
13 location can be upwards of \$200 per year. There can be  
14 as many as 2,000, 3,000, or more of these individual  
15 inlet locations in a small sized city. In the L.A. basin  
16 there can be upwards of 150,000 of these particular  
17 locations. Clearly, many grantees may not be able to  
18 support a comprehensive used oil collection program and  
19 install these filter devices at all locations.

20 For some of our grantees with larger budgets,  
21 there is greater opportunity for storm water related  
22 expenditures. However, even with our larger grantees,  
23 staff does not feel that a 50 percent cap imposes an  
24 unreasonable limitation given the need to ensure adequate  
25 funding for core programs.

1           For those grantees that feel they can make a  
2 case for exceeding the cap, staff proposes the option of  
3 directing these requests to the Board for your approval.

4           Whether it be for small or large grantees, prior  
5 to approval of any storm water related expenditure, staff  
6 will evaluate the grantee's used oil collection and  
7 recycling program to ensure that it meets the  
8 implementation requirement, and that the certification is  
9 complete.

10          Staff's recommendation takes into consideration  
11 and has been influenced by discussions with and  
12 correspondence received from several stakeholders, some  
13 of whom may be in attendance today.

14          Representatives of one manufacturer of storm  
15 water inlet devices questions the legislative mandate for  
16 a cap, but they acknowledge the cap quote unquote  
17 "probably makes sense for the smaller grantees." For the  
18 larger grantees they feel that the 50 percent cap is  
19 arbitrary, but conditionally acceptable during a proposed  
20 two year data collection period. During this time they  
21 recommend exceptions of the cap be considered through an  
22 informal staff approval process as opposed to staff's  
23 recommendation for Board approval.

24          In contrast to the position of the inlet device  
25 manufacturer, we have heard from one large grantee

1 welcoming staff oversight and the concept of a cap to  
2 ensure that core program elements are preserved. They  
3 also feel that the cap should be established at a lower  
4 level than 50 percent.

5 To enable qualifying grantees to start their  
6 storm water program as soon as possible, staff has  
7 prepared to quickly implement the legislation pursuant to  
8 Board direction.

9 Staff proposes to review the results of the  
10 implementation in approximately eighteen months, and  
11 report back to the Board when we present to you the  
12 fiscal year 2003-2004 block grant award.

13 In conclusion, staff recommends Board approval  
14 of option one and adoption of Resolution number 2002-43.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
16 Lee.

17 Any questions before the speaker? Seeing none,  
18 Elizabeth Deane of Paul Hastings for Asbury Environmental  
19 Services.

20 MS. DEANE: Good afternoon, Madam Chair, members  
21 of the Board. My name is Elizabeth Deane, and I  
22 represent Asbury Environmental Services.

23 And I'm here today because we work with local  
24 governments on a day to day basis to develop projects  
25 that capture oil and storm water runoff through the use



1 of storm drain inlet filters. So we get a little bit of  
2 every day feedback.

3 And in general Asbury supports the goal that the  
4 cap was intended to address. Asbury and its related  
5 entities are also in the business of recycling oil, so we  
6 definitely have an interest in ensuring that  
7 jurisdictions maintain their oil collection and public  
8 outreach programs.

9 That being said, while we support capping the  
10 amount of money that can be used for storm water  
11 projects, we do have some suggestions, as Jim just  
12 mentioned, for improving the logistics of how the cap is  
13 applied.

14 In particular, we're concerned about how the cap  
15 is applied to large jurisdictions who may already have  
16 well established oil collection programs. These type of  
17 jurisdictions may not need to spend 50 percent of their  
18 block grant to maintain adequate oil collection and  
19 outreach. In such cases local governments may just need  
20 flexibility. And under the current staff recommendation,  
21 large cities and counties would have to come before the  
22 Board in order to modify the 50 percent cap.

23 Making a formal request for modification may be  
24 perceived by local governments who typically have staff  
25 constraints and so on as onerous, and it may discourage

1    them from seeking the discretion that they would  
2    typically need just to address local problems.

3                So what we suggest instead is, as Jim mentioned,  
4    a two year data collection period, during which time  
5    large jurisdictions would be permitted to seek a  
6    modification of the cap through a more informal staff  
7    approval process.

8                Hopefully what this would do would be to  
9    encourage those jurisdictions that need flexibility to  
10   more readily ask for it. And as a result we hope that it  
11   would give the Board more direct feedback as to the  
12   appropriateness of a 50 percent cap. Because after all,  
13   50 percent is just a number, and if we get more feedback  
14   we'll know if that's the right number.

15               After the two year period the procedure for  
16   modification could be revisited or just simply revert  
17   back to the Board, whatever makes sense.

18               I'll just close by saying that we hope that by  
19   changing the staff recommendation in this minor way that  
20   we would improve the mechanism for applying the cap and  
21   just give everyone at the local level the discretion they  
22   need to make the program work.

23               BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
24   Deane, for being here.

25               Questions, Board members? Mr. Jones.

1           BOARD MEMBER JONES: Madam Chair, I think the  
2 idea of a cap is good, but I also think that anybody that  
3 wants to change that 50 percent ought to come in front of  
4 us.

5           There is an infrastructure that was put in place  
6 that isn't being used by all the citizens. And it's that  
7 constant availability of a place for a do-it-yourselfer  
8 or even a business to bring its oil that's keeping it out  
9 of the storm water drains and out of those types of  
10 places.

11           And irregardless if somebody's got an  
12 infrastructure built, you've still got to maintain that  
13 infrastructure. And that may even be just an advertising  
14 campaign or door leaflets to people or putting things out  
15 at the local auto supply store so that the people  
16 understand where they can take the material and get it  
17 recycled; as opposed to there's a lot of folks that look  
18 at an infrastructure and they see the building and they  
19 said okay, we've taken care of that, now let's go take  
20 care of the storm water drains.

21           While I think this legislation was good because  
22 it attacked that, I'd feel more comfortable if we kept  
23 the 50 percent in and give the jurisdictions the ability  
24 to come in and explain why their infrastructure is  
25 running so well so that they can divert more dollars to

1 filters at those types of outlets.

2 I just see that, if you look at the number of  
3 citizens that actually use oil recycling dropoff  
4 facilities, it's not in the eighties or the nineties or  
5 the seventies or the sixties or the fifties, we have a  
6 lot of work to do.

7 And while this legislation I think was a giant  
8 step to help local government, I think our mandate is  
9 still to try to get that oil back recycled and keep it  
10 out of storm drains and those types of places.

11 So my preference would be to leave that 50  
12 percent in place. And then we can revisit it after two  
13 years the 50 percent wasn't right, as opposed to the  
14 other way around where they could use the money on  
15 anything and we'll take a look at it. I'd feel better if  
16 we stayed with the 50 percent.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
18 Jones.

19 We do have one late request for, to speak.  
20 Jorge Sanhesteben.

21 MR. SANHESTEBEN: Good afternoon, Board members,  
22 I'm Jorge Sanhesteben, and I'm with the City of Los  
23 Angeles, Department of Public Works, Bureau of  
24 Sanitation.

25 And basically I was here to say the same thing

1 that Commissioner, Board Member Jones has said. If we  
2 ever want to increase it, the cap, we will be here asking  
3 the Board to increase the cap, we would have the staff to  
4 be here as I'm here today, and do it that way.

5 BOARD CHAIR MOULTON-PATTERSON: Okay.

6 MR. SANHESTEBEN: Thank you.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
8 Jones -- oh, Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Yeah. I'm comfortable  
10 with the 50 percent as it is in the resolution with the  
11 understanding that they do have an ability, anybody has  
12 an ability to come to us to request a change.

13 And there's a report due back to us in eighteen  
14 months which presumably will include some information  
15 about the effectiveness of the 50 percent, you know,  
16 whether that's working or not, whether some modifications  
17 might be appropriate, whether we're getting the money out  
18 the door, and how effective the program is.

19 So with all those things I'm comfortable with  
20 the resolution as it is.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you.

22 Mr. Jones.

23 BOARD MEMBER JONES: Madam Chair, I'd like to  
24 move adoption of Resolution 2002-43, consideration of the  
25 approval to establish a cap for the storm water related

1 expenses by local government through the used oil block  
2 grant.

3 BOARD CHAIR MOULTON-PATTERSON: I'll second it.

4 So we have a motion by Mr. Jones, seconded by  
5 Moulton-Patterson to approve resolution 2002-43.

6 Please call the roll.

7 BOARD SECRETARY VILLA: Eaton?

8 BOARD MEMBER EATON: Aye.

9 BOARD SECRETARY VILLA: Jones?

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY VILLA: Medina?

12 BOARD MEMBER MEDINA: Aye.

13 BOARD SECRETARY VILLA: Paparian?

14 BOARD MEMBER PAPARIAN: Aye.

15 BOARD SECRETARY VILLA: Roberti?

16 BOARD SECRETARY VILLA: Moulton-Patterson?

17 BOARD CHAIR MOULTON-PATTERSON: Aye. Number

18 23.

19 BOARD MEMBER JONES: Madam Chair.

20 BOARD CHAIR MOULTON-PATTERSON: Excuse me, Mr.

21 Jones.

22 BOARD MEMBER JONES: Just quickly. Mr. Lee, you  
23 do a very nice job at your presentation, all of our staff  
24 does. But you don't get in front of us that often, and  
25 when you do it's always, you capture the things. And I

1 want to thank exec staff and our staff, we get a lot of  
2 people that do a heck of a job, so once in a while I  
3 gotta tell somebody.

4 MR. LEE: Thank you, Mr. Jones.

5 MS. WILLD-WAGNER: Thank you.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you.

7 Number 23.

8 MS. WILLD-WAGNER: Item 23 is consideration of  
9 approval of a scoring criteria and evaluation process for  
10 the household hazardous waste grants, fiscal year  
11 2002-2003. And along with what Mr. Jones just said, this  
12 is a first time presentation by our staff person Eric  
13 Brown.

14 MR. BROWN: Good afternoon, Madam Chair  
15 Moulton-Patterson and fellow Board members. My name is  
16 Eric Brown, I'm grant manager for the Used Oil and  
17 Household Hazardous Waste Section.

18 \$3 million will be available for fiscal year  
19 2002-2003 household hazardous waste grants. Individual  
20 jurisdictions will be able to request up to \$150,000, and  
21 regional applicants will be able to request up to  
22 \$300,000.

23 Application focus -- funding priorities will  
24 focus towards new programs for rural or small cities; new  
25 programs that establish a multi-jurisdictional HHW needs;

1 applicants that have not received an HHW grant during the  
2 last two cycles; new programs and our collection programs  
3 targeting non-English speaking and/or underserved  
4 populations; and applicants that propose to expand  
5 existing programs or initiate a new household hazardous  
6 waste collection program to include the collection of  
7 E-waste, U-waste, and paint.

8 Input was solicited using e-mail groups to  
9 determine what key stakeholders saw as their greatest  
10 needs. Over 75 of the responses received indicated that  
11 key stakeholders would like the next HHW cycle to focus  
12 on E-waste, U-waste, and paint.

13 The input program staff received from key  
14 stakeholders resulted in nearly 50 percent of the program  
15 criteria, ten out of the 23 points, being weighed towards  
16 programs that tended to expand existing programs or  
17 initiate new programs to include the collection of  
18 E-waste, U-waste, and paint.

19 Public Resources Code Section 47200 states,  
20 "Local governments with responsibility for solid waste  
21 management are eligible for household hazardous waste  
22 grants." Therefore, Indian reservations and rancherias  
23 are eligible if they are responsible for solid waste  
24 management.

25 Green procurement has been incorporated into the



1 general scoring criteria and comprises fifteen percent of  
2 the total points available.

3 As required by the Board's procedures for  
4 presenting the scoring criteria and evaluation process,  
5 staff assigned point values to each category of the  
6 general review and program specific criteria, attachment  
7 one, for Board approval.

8 All proposals will be ranked according to the  
9 number, to the total number of points received. There  
10 are a maximum of one hundred points possible, including  
11 both general review and program specific criteria points.

12 Programs must maintain a minimum of 70 points to  
13 be considered for funding. In the event there's not  
14 sufficient funding, the highest ranking proposals will  
15 have funding priorities.

16 Staff has been, has talked with legal and  
17 administration, and the admin folk and have, in using the  
18 scoring criteria and the process developed by the tire  
19 program and approved at the March, 2001, Board meeting.

20 With the scoring criteria and review program,  
21 panel members will use two benchmarking grants to assure  
22 consistence during the scoring process.

23 If the number of grants received warrants the  
24 need for more than one scoring panel, a post review, a  
25 post scoring review team will be assembled. The post

1   scoring review team will go over all grant proposals that  
2   fall within three points of the funding level.

3           Program staff also believes it would be most  
4   prudent to award the highest ranking proposals until all  
5   grant funds are expended, regardless of applicant  
6   location. The reason is that the implementation of this  
7   grant is best served by the scoring criteria.

8           Additionally, legislation gives priority to  
9   rural, small, or underserved areas. 32 percent of the  
10   total cities and counties that would be considered rural  
11   or small are located within Southern California, and 68  
12   percent are located within Northern California;  
13   therefore, awarding 61 percent of the monies towards  
14   Southern California would not be consistent with  
15   legislation's intention for the money.

16           Staff recommends the Board's approval of option  
17   one and Resolution number 2002-26, approval of the  
18   proposed 2002-2003 HHW grant scoring criteria.

19           I'll gladly entertain any questions at this  
20   time.

21           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
22   Brown. Nice presentation.

23           MR. BROWN: Thank you.

24           BOARD CHAIR MOULTON-PATTERSON: Questions? I  
25   have one question. I mean I understand the part about

1 the rural, but I don't know, maybe we need more people in  
2 the Long Beach office to help Southern California learn  
3 how to fill out these grants because it seems like, you  
4 know, the Board's goal is 61-39, and we don't get there.  
5 I understand there's special circumstances with the  
6 rurals on this one, but it's frustrating.

7 So, Mr. Medina.

8 BOARD MEMBER MEDINA: Madam Chair, I would like  
9 to propose changes to the program criteria for the fiscal  
10 year 2002-2003 household hazardous waste grant scoring  
11 criteria.

12 Specifically, I would like to increase the  
13 possible points from three to thirteen points. By making  
14 these changes we will give slightly more emphasis to  
15 establishing household programs for non-English speaking  
16 populations and our underserved populations.

17 And I guess under number 11 I'd like to increase  
18 the points from three to thirteen, and that would  
19 increase the total possible score to 110.

20 I think that household hazardous waste is a  
21 particular concern and we need to do more emphasis in  
22 these areas.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
24 Medina.

25 MR. BROWN: Board member Medina, we're required

1 to have fifteen percent for the recycled content, right  
2 now that's at fifteen points. Will the Board waive the  
3 fifteen percent requirement for all grant cycles to have  
4 that be considered fifteen percent of the --

5 BOARD MEMBER EATON: You're talking about  
6 general versus programmatic criteria?

7 BOARD MEMBER MEDINA: Exactly.

8 BOARD MEMBER EATON: One is discretionary, one  
9 is base, right?

10 MR. BROWN: Yes.

11 BOARD MEMBER EATON: You can't change the  
12 general criteria, it's already been established for the  
13 grants.

14 MS. WILLD-WAGNER: So right now we have fifteen  
15 percent --

16 BOARD MEMBER EATON: I'm sorry. As we're always  
17 reminded by staff, isn't that true, that that's the  
18 general criteria, it goes for all grants, so you can't  
19 change that.

20 MS. WILLD-WAGNER: The points do change with  
21 each grant cycle. And the Board's policy, was it in  
22 November, I believe, stated that they wanted fifteen --

23 BOARD MEMBER EATON: We can change general  
24 criteria.

25 MS. WILLD-WAGNER: We can change the points on

1 the general criteria, yes.

2 BOARD MEMBER EATON: That's different from the  
3 last time.

4 MS. WILLD-WAGNER: The general criteria  
5 themselves remain the same, but the process has been each  
6 time we come forward with specific points for each of  
7 those general review criteria. And that's, it's been  
8 that way since '96 when we started this.

9 The exception is that for green procurement the  
10 Board has a policy that it shall be fifteen percent, and  
11 I believe the wording states that all of the points that  
12 are considered to be in the eligibility on whether or not  
13 a grant is considered eligible for a particular award.

14 So that's what we envision it as fifteen percent  
15 of the total points which is fifteen right now. And if  
16 we raise it to a hundred ten total possible by adding  
17 those ten points that you suggest, Mr. Medina, then we  
18 have to either raise the points for evidence of a  
19 recycled procurement policy or --

20 BOARD MEMBER MEDINA: If we raise that by one  
21 point, would that take care of it?

22 MS. WILLD-WAGNER: I believe it would need to be  
23 two points.

24 BOARD MEMBER MEDINA: Let's raise it two points  
25 then.

1 MR. BROWN: That would raise the total to 112.

2 BOARD MEMBER MEDINA: Yes.

3 BOARD MEMBER EATON: Yes. Madam Chair, I don't  
4 have any problem with what Mr. Medina is trying to do,  
5 but it's just, it's just mind boggling that every time we  
6 get into these discussions we seem to have the staff  
7 going after the recycled content which is the very  
8 purpose by which we try to promote them. It's beyond  
9 me. It's just, and I'm not quite sure. Why don't we get  
10 into some of the other little areas that perhaps, why are  
11 we always going after recycled content material which is  
12 what the very purpose and mission is?

13 MS. WILLDD-WAGNER: We're proposing to increase  
14 that, Mr. Eaton, it's a --

15 BOARD MEMBER EATON: You want to take it away.

16 MS. WILLDD-WAGNER: No, no, he meant -- there may  
17 have been a misunderstanding.

18 He said that in order to keep it at fifteen  
19 percent, that if we raise criteria number 11 in the  
20 manner that Mr. Medina has proposed, then the total  
21 possible points will be 110. And in order to continue to  
22 emphasize the green procurement to the same extent, we  
23 would have to increase the number of points for criterion  
24 number seven up to seventeen points rather than fifteen.  
25 So we're not trying to take away.

1           BOARD MEMBER MEDINA: That's what I was  
2 proposing, increase it to seventeen.

3           MS. WILLD-WAGNER: Okay. And then the total  
4 points would be 112.

5           BOARD CHAIR MOULTON-PATTERSON: We're going to  
6 call about a three minute break here. Thank you.

7           (Thereupon there was a brief recess.)

8           BOARD CHAIR MOULTON-PATTERSON: I'd like to  
9 call the meeting back to order, please.

10           We're on number 23, discussion on number 23.

11           BOARD MEMBER PAPARIAN: Madam Chair.

12           BOARD CHAIR MOULTON-PATTERSON: Yes.

13           BOARD MEMBER PAPARIAN: I'm sorry, I have an ex  
14 parte, a letter that was laid in front of me from the, we  
15 probably all have it.

16           BOARD CHAIR MOULTON-PATTERSON: Yeah.

17           BOARD MEMBER PAPARIAN: From the Rural Counties  
18 Environmental Services Joint Powers Authority regarding  
19 this item.

20           BOARD CHAIR MOULTON-PATTERSON: It's my  
21 understanding that we don't have to ex parte it if it's  
22 given to us all at the meeting, is that correct, Ms.  
23 Tobias?

24           LEGAL COUNSEL TOBIAS: Generally that's  
25 correct. I think it would be good for the record to have

1 either the Chair or the Board members when you do get  
2 those letters passed out, they need to be acknowledged in  
3 some way so that we know it's part of the administrative  
4 record.

5           So you may want at the end of an item to say  
6 well, you know, I have received the following letters and  
7 say that, or you can save 'em as a pass out. I think we  
8 need to work out how that's brought up. In some way they  
9 need to be acknowledged. But they're not really, when  
10 they're delivered to the meeting like this they're not  
11 really an ex parte contact.

12           BOARD CHAIR MOULTON-PATTERSON: That's my  
13 understanding from Coastal Commission. And anyone that's  
14 giving us letters should provide them to the public also,  
15 shouldn't they?

16           LEGAL COUNSEL TOBIAS: That's correct. So it's  
17 really not an issue of ex parte conduct, it's an issue of  
18 how do we construct our administrative --

19           BOARD CHAIR MOULTON-PATTERSON: Okay. So we can  
20 work on that.

21           Thanks, Mr. Paparian, for bringing that up.

22           Okay. We have a number of people that want to  
23 speak. Mr. Medina had the floor and then Senator  
24 Roberti.

25           BOARD MEMBER MEDINA: Yes, Madam Chair. Upon



1 further review during the break there's a couple of  
2 changes that I wanted to make.

3 Number one, the language for number 11 would  
4 read,

5 "Applicant proposes to establish  
6 an HHW collection program and/or an  
7 HHW collection education program  
8 targeting underserved populations."

9 The point total would be twelve.

10 And the point total on number seven, "Evidence  
11 of recycled content purchasing policy or directive,"  
12 would be up to 16.

13 BOARD CHAIR MOULTON-PATTERSON: Okay.

14 BOARD MEMBER MEDINA: For a total of 109 points.

15 BOARD MEMBER PAPARIAN: Madam Chair, could I  
16 just ask a clarification?

17 BOARD CHAIR MOULTON-PATTERSON: Certainly.

18 BOARD MEMBER PAPARIAN: The way you read that,  
19 Mr. Medina, implied a change in the written language.  
20 The written language you intend to remain the same,  
21 you're just intending to change the point score?

22 BOARD MEMBER MEDINA: No, the written language  
23 on number 11 would read,

24 "Applicant proposes to establish  
25 an HHW collection program and/or an

1           HHW collection education program  
2           targeting underserved populations."

3           BOARD MEMBER PAPARIAN: Okay. I just wanted to  
4           make sure I understood, thank you.

5           BOARD CHAIR MOULTON-PATTERSON: Thank you.  
6           Senator Roberti.

7           BOARD MEMBER ROBERTI: Yes, Madam Chair. On the  
8           61-39 Northern California, Southern California split, I'm  
9           pretty intensely riveted to the fact that we have to  
10          maintain the split along these lines. And the reason is  
11          this:

12          After all these years on some of our grants we  
13          should have engaged in some degree of intense affirmative  
14          action to bring Southern California here. If we don't  
15          have the applications, it's my sense that that isn't the  
16          fault of the people who might send us applications,  
17          that's a problem on this Board.

18          The fact of the matter is the Capitol is in  
19          Sacramento; the fact of the matter is that that's where  
20          attention on what we do takes place, and the less people  
21          know about us is probably based on concentric circles  
22          from how many miles away we are from the state Capitol.

23          That is why the positions have been taken that  
24          at some point we need an arbitrary, based on reason,  
25          population, but an arbitrary figure, because until we

1 engage in that affirmative action, that outreach, we're  
2 not going to have the applications.

3 Which is no different than affirmative action  
4 and ethnic groups that might not know of our existence or  
5 the existence of any government board, and you have to  
6 solicit the participation affirmatively because you just  
7 don't have the educational process as to what various  
8 agencies do yet. The same thing happens and occurs in  
9 Southern California.

10 And I think after the years it's incumbent upon  
11 staff to aggressively pursue the numbers and the  
12 applications, which I know it's difficult to do because  
13 we are based here, and that's what the Constitution says,  
14 that's where the capital is. But rather than trying to  
15 lift the prescription, I just think we have to redouble  
16 our efforts to bring in more applicants.

17 BOARD CHAIR MOULTON-PATTERSON: I agree, Senator  
18 Roberti. And, I mean, this has happened just twice  
19 today.

20 Mr. Jones.

21 BOARD MEMBER JONES: Madam Chair. You know, I  
22 can appreciate that we've got to get 'em out there, but I  
23 don't think it's fair on staff, because these get mailed  
24 to every city, they get mailed to everybody that, and  
25 everybody has an opportunity, and we get applications in

1 if you've, I mean over the years if you look at how many  
2 fail, the distribution may end up going one way or  
3 another, but there's an awful lot of jurisdictions that  
4 just plain fail.

5 BOARD MEMBER ROBERTI: A lot of jurisdictions,  
6 yes.

7 BOARD MEMBER JONES: I don't think we need, I  
8 mean I got no problem to help them be successful. I've  
9 heard at least five or six times in the last five years,  
10 and I don't have a problem with putting an effort out  
11 there and trying to help 'em write grants. And that's  
12 fine, but I don't think we should dumb down our grant  
13 process.

14 BOARD MEMBER ROBERTI: It's not a process of  
15 dumbing down our grant process, but we have an, and it's  
16 something I experienced when I was in the legislature,  
17 something I've experienced here, it's first an out of  
18 sight out-of-mind attitude that's endemic in state  
19 government. I'm not signaling out our staff, it's  
20 endemic to state government.

21 But the other problem is that people who are on  
22 the grant seeking side don't know of our existence. It's  
23 just the, it's just the proportionate increase in the  
24 amount of attention you get in the press and the media  
25 and in word of mouth that suddenly reaches the point

1 where people know to apply for various grants no matter  
2 what the agency is, and we don't have that.

3 But we have very streamlined staff in Southern  
4 California, I think that's putting it mildly, and it's  
5 incumbent upon our staff here to aggressively make the  
6 point.

7 This is a major issue. And that is  
8 proportionality as between the sections of the state as  
9 to the receipt of state monies. It's a major issue. And  
10 it should be addressed in ways other than a request for  
11 relaxation of the figures. That's just going backwards.  
12 It's so frustrating.

13 It's as if the points that we were making years  
14 ago when these, my first years on the Board just weren't  
15 relevant. It's endemic of the problem we have that  
16 somehow the directives that this Board gives to its own  
17 staff are of minute importance. We're here today and  
18 gone tomorrow, the staff is here forever, and this has to  
19 change. It has to change.

20 BOARD CHAIR MOULTON-PATTERSON: Well, I think,  
21 you know, it's very important to Senator Roberti and very  
22 important to me. I don't want to, and I totally resent  
23 the dumbing down because I think there are a lot of  
24 bright people in Southern California and a lot of  
25 underserved communities there that we're trying to work

1 with. So I don't know how we're going to fix it, but I  
2 would certainly like to see it fixed. And, you know,  
3 it's like -- well --

4 BOARD MEMBER ROBERTI: Madam Chair, but it's  
5 never going to be fixed if no attention is given to the  
6 fix. We'll wait another couple of months and then we'll  
7 approach the Board, maybe there will be a change in  
8 membership, and we'll try to get a change.

9 This is happening on so many significant issues  
10 that we deal with, and it is totally and utterly  
11 frustrating.

12 MS. WILLD-WAGNER: Could I make a response?

13 BOARD CHAIR MOULTON-PATTERSON: Yes, please.

14 MS. WILLD-WAGNER: Thank you. I could make a  
15 couple of suggestions. Number one, we could come back  
16 with our award recommendations and show a couple of  
17 different scenarios whereby we go ahead and go with the  
18 61-39 split, and we would be happy to do that.

19 I think that in the past this particular grant  
20 program is very, very oversubscribed, it's highly  
21 competitive. We don't have any problem with outreach,  
22 getting applications. We always have, typically we have  
23 three times as many grant applications and three times as  
24 many dollar requests as we have money for, so it's not a  
25 matter of soliciting it's all the local governments. And

1 we do have grant staff assigned by county.

2           So we have two staff in L.A. County alone. Now  
3 they're not physically down there, but they're down there  
4 every other month meeting with the constituents. Every  
5 other month we have meetings of our local government  
6 grantees, household hazardous waste round tables. So  
7 we're out there, we meet with them, and we work with them  
8 on a very regular basis. And we do get the grant  
9 applications.

10           Because of the statutory priority for this  
11 particular grant, it says right in statute that priority  
12 shall be given to rural, underserved, and small cities,  
13 and also to regional.

14           BOARD CHAIR MOULTON-PATTERSON: But don't they  
15 get points for that?

16           MS. WILLID-WAGNER: And that's why, that is why  
17 the points go to those areas. That is what has made some  
18 of the awards occasionally in the past out of line with  
19 the 61-39 split.

20           But we can certainly come back with the scenario  
21 of producing it that way if that's what you'd like to  
22 see.

23           BOARD MEMBER PAPARIAN: Madam Chair.

24           BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

25           BOARD MEMBER PAPARIAN: On this issue, and I've

1 brought this up also and I think it's -- I appreciate  
2 your efforts, Shirley, at trying to address it, get a  
3 handle on it and trying to address it. It's not just the  
4 grant programs in your jurisdiction, however.

5 BOARD CHAIR MOULTON-PATTERSON: That's right.

6 BOARD MEMBER PAPARIAN: It's across the board,  
7 all the various grant programs that we deal with.

8 And just as a suggestion, Madam Chair, maybe we  
9 should have some sort of, maybe even a public forum or a  
10 meeting in Southern California where we get, you know,  
11 the Board members who are interested in this together  
12 with some of our staff and really hash it out and come up  
13 with some recommendations to bring back to the full Board  
14 about how to move forward to market our programs better  
15 to agencies in Southern California, and work with them  
16 and assist them as appropriate.

17 BOARD CHAIR MOULTON-PATTERSON: We have a great  
18 training room in Long Beach, and so I certainly hope that  
19 that can be used in that way. You know, I don't want to  
20 beat this to death but, you know, I feel very strongly  
21 about it.

22 Senator Roberti.

23 BOARD MEMBER ROBERTI: Madam Chair, I don't want  
24 to, I just want to reiterate that it's not directed  
25 specifically or totally, my feelings at our staff,



1 certainly not at Ms. Willd-Wagner who I think does an  
2 excellent job, but she's gotta hear some frustration from  
3 us once in a while.

4 But the word is underserved as well as rural.  
5 And underserved, I think, specifically -- well certainly  
6 has to deal with enormous populations of immigrants and  
7 new citizens or non-citizens that parts of Southern  
8 California have in much larger number than even in  
9 Northern California.

10 So let's not put our focus only on rural,  
11 although I recognize that's the law and I recognize that  
12 could help skew things a bit, but the underserved also  
13 has to be read, and I'm sure you are. But I think that  
14 balances the proportions.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you. Do  
16 we have a motion?

17 BOARD MEMBER JONES: Madam Chair.

18 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

19 BOARD MEMBER JONES: I'll move adoption of  
20 Resolution 2002-26, consideration of approval of scoring  
21 criteria and evaluation process for fiscal year 2002-3  
22 household hazardous waste grants to include the changes  
23 in the scoring criteria that were proposed by Mr. Medina.

24 BOARD MEMBER MEDINA: And just one correction  
25 there, the point total comes out to 110. The total

1 points come out to 110.

2 BOARD MEMBER JONES: Okay, 110.

3 BOARD CHAIR MOULTON-PATTERSON: Are you  
4 seconding it?

5 BOARD MEMBER MEDINA: Yes.

6 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
7 motion by Mr. Jones, seconded by Mr. Medina, to approve  
8 Resolution 2002-26.

9 Please call the roll. I'm sorry.

10 BOARD SECRETARY VILLA: Eaton?

11 BOARD MEMBER EATON: Aye.

12 BOARD SECRETARY VILLA: Jones?

13 BOARD MEMBER JONES: Aye.

14 BOARD SECRETARY VILLA: Medina?

15 BOARD MEMBER MEDINA: Aye.

16 BOARD SECRETARY VILLA: Paparian?

17 BOARD MEMBER PAPARIAN: Aye.

18 BOARD SECRETARY VILLA: Roberti?

19 BOARD MEMBER ROBERTI: Aye.

20 BOARD SECRETARY VILLA: Moulton-Patterson?

21 BOARD CHAIR MOULTON-PATTERSON: Aye. 24.

22 MS. GILDART: Item 24 is consideration of the  
23 approval of scope of work to investigate increasing the  
24 recycled content in new tires contract. This will be  
25 funded from the 2001-2 and 2002-3 fiscal years. This is

1 an item that was included in the five year plan.

2 And Lin Lindert of the Waste Tire Diversion  
3 Section will be making this presentation.

4 MS. LINDERT: Good afternoon, Madam Chairman and  
5 Board members. I'm Lin Lindert, supervisor at the Waste  
6 Tire Diversion Section. This morning I had my Park Bond  
7 Act on, and this afternoon I have my waste tire hat on.

8 So this is consideration of approval of the  
9 scope of work to investigate increasing the recycled  
10 content in new tires contract.

11 As you remember, we had workshops and meetings  
12 across the winter of 2001 to discuss what should be  
13 included in the five year plan as mandated by the  
14 legislature.

15 One of the topics that came up and was suggested  
16 by a Board member during this time period was the need to  
17 address researching the topic of increasing the recycled  
18 content in new tires. Workshop participants stressed the  
19 need to address the waste management hierarchy, source  
20 reduction, recycling and composting, and environmentally  
21 safe transformation, and landfill disposal.

22 This scope of work addresses recycled content in  
23 new tires. It addresses the waste management practice,  
24 number two, increasing the recycling of waste tires.

25 It also is similar to using cullet, glass cullet

1 in glass bottles, and some of the other mandates that we  
2 have had for waste, for other sources of waste.

3 On March 20, 2001 the Board adopted Resolution  
4 number 2001-80 approving the five year plan for the Waste  
5 Tire Recycling Management Program. This five year plan  
6 includes an allocation of 200,000 in fiscal year  
7 2001-2002 for this agenda item or for the scope of work,  
8 and a hundred thousand in fiscal year 2002-2003.

9 The staff is proposing that the scope of work  
10 only address these first two fiscal years because we will  
11 be relooking at the five year plan, we will be  
12 reexamining it, and looking at changes that are to be  
13 made after two years.

14 So the Board may address either putting more  
15 money into this or less money into this. So staff is  
16 proposing up to \$300,000 for a two year contract to  
17 determine the feasibility of increasing the recycled  
18 content in new tires.

19 This scope of work also proposes that the  
20 contractor come up with some research projects, some new  
21 scopes of work for future research that need to be done  
22 to address the barriers that we identify in the scope, in  
23 this project. Staff propose three possible options.

24 To adopt resolution number 2001, 2002-41,  
25 approving the scope of work to investigate the

1 feasibility of increasing the recycled content of new  
2 tires.

3 Adopt the resolution and request that staff make  
4 changes to the scope of work.

5 Or direct staff to return to the Board at a  
6 later date with a revised scope of work.

7 I'd just like to warn the Board about option  
8 three. We are on a very tight timeline to get these  
9 funds encumbered by the end of the fiscal year, and we  
10 are proposing this scope, that this scope of work go out  
11 for an RFP, a request for proposal, which would make it  
12 very competitive, and we would have to score these. And  
13 the contracts unit usually prefers 120 days from the time  
14 that a request for proposal goes out for the whole  
15 contracting scoring period. So we are under a tight  
16 timeline. So if there are revisions we'd really prefer  
17 it that you address those today, if possible, if at all  
18 possible.

19 And staff recommends option one, adopting  
20 Resolution number 2002-41. We have built in a lot of  
21 deliverables into this task. The contractor will need to  
22 respond with numerous reports and numerous draft  
23 chapters. And this contract, the California Integrated  
24 Waste Management Board contract manager will oversee this  
25 process in great detail.

1           Some of the areas that we mainly want to stress  
2   are a cost benefit analysis of increasing the recycled  
3   content of new tires, and identification of the barriers  
4   and recommended solutions to overcoming the barriers.

5           And the barriers are including but not limited  
6   to industrial, industry roadblocks; customer perceptions,  
7   and those customers are not just households, they're also  
8   fleet managers and other such; customer perceptions and  
9   preferences; and tire performance and safety issues and  
10   trade-offs. And we hope that the solutions they  
11   recommend will address these barriers.

12           As I said earlier, we also want them to come up  
13   with descriptions of scopes of work for future projects.  
14   The contractor will be expected to make a presentation  
15   before the Board members and turn in a final report which  
16   we hope will be a definitive work on this subject matter.

17           So that concludes my presentation and background  
18   information on this. And do you have any questions at  
19   this time?

20           BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton and  
21   then Senator Roberti and then I have one.

22           BOARD MEMBER EATON: When you talk about  
23   consumer, do you include, are we going to have a section  
24   on public procurement?

25           MS. LINDERT: Right.

1 BOARD MEMBER EATON: Both at the state and local  
2 level as well?

3 MS. LINDERT: Right. It would not just be, you  
4 said the word customer was a general word.

5 BOARD MEMBER EATON: Right.

6 MS. LINDERT: It refers to any purchasers of  
7 tires and, of course, the bigger ones would be the  
8 bigger, you know, consumer in a sense, right.

9 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

10 BOARD MEMBER ROBERTI: My concern is that it  
11 appears that we've reached a conclusion here that it's,  
12 sort of only a minimal amount of recycled content would  
13 be acceptable to the public.

14 MS. LINDERT: Well I haven't reached that  
15 conclusion, so --

16 BOARD MEMBER ROBERTI: Because in Europe, I  
17 think in Germany didn't they for years and years almost  
18 have a preference on retreads or whatever the word is?

19 MS. LINDERT: Well this doesn't concern or  
20 retreads or recapping of tires, this is only on recycled  
21 content using the actual crumb rubber in producing the  
22 tire as a raw material, producing a new tire.

23 BOARD MEMBER ROBERTI: Okay. So why would that  
24 include --

25 MS. LINDERT: It was never described in the five

1 year plan as a retread or recap.

2 BOARD MEMBER ROBERTI: Well in my mind --

3 MS. LINDERT: I'm sorry, it was not --

4 BOARD MEMBER ROBERTI: No, but in my mind a  
5 retread would be.

6 MS. GILDART: If I could give some background.

7 BOARD MEMBER ROBERTI: Yeah.

8 MS. GILDART: There have been some studies and  
9 reports done on the retreads and recapping of tires and  
10 what's feasible and what isn't. I guess that feeling was  
11 that that was pretty well put to bed. The issue that had  
12 come up in the discussions was --

13 BOARD MEMBER ROBERTI: You mean negatively or  
14 affirmatively?

15 MS. GILDART: Both. The truck tires are  
16 typically retreaded three, four, or five times, passenger  
17 tires are not as likely.

18 The discussions that we had in the meetings  
19 centered around Michelin and their actual incorporation  
20 of up to five percent recycled crumb into the manufacture  
21 of a new tire.

22 And our understanding was that the question was  
23 why is that not done more extensively, and that we were  
24 pursuing that issue, the actual incorporation of crumb  
25 rubber into the molding of the new tire.



1           BOARD MEMBER ROBERTI: So essentially what we  
2 have here are the reasons why it's not being done right  
3 now rather than acquiescence?

4           MS. GILDART: There's a lot of controversy  
5 around the issue, and we are aware of that, the safety  
6 and performance issues. Our feeling is to educate  
7 ourselves on what has been done and what the needs are.

8           BOARD MEMBER ROBERTI: I understand that.

9           MS. GILDART: And identify those gaps and then  
10 perhaps fill those gaps at a later date.

11           BOARD MEMBER ROBERTI: Are we, are we planning  
12 to investigate those years when the European market, and  
13 specifically I think Germany because that's, people told  
14 me that it was, that retreads, but I think they meant  
15 recycled content as well, but you might check into this,  
16 were used, and the performance was very, very high. I  
17 can't speak to safety because I don't remember reading  
18 anything about that, I do remember about performance,  
19 however.

20           And I hope that we look into that issue where  
21 other nations, the industrialized nations is fully  
22 reliant on automobiles, as we are, and manufacturing the  
23 components of automobiles to the same extent we do, what  
24 their experience has been, both in terms of safety and  
25 performance and consumer acceptance.

1           From what I'm told, in Germany the consumer  
2 acceptance was very, very high until the costs of new  
3 tires became so cheap that even there they didn't use  
4 the, as I was told, retreads, but I think my information  
5 is retreads and consumer content, recycled content as  
6 well.

7           MS. GILDART: We can certainly direct the  
8 contractor when he's selected to look at any countries  
9 that manufacture tires. Obviously California doesn't  
10 manufacture tires, so we'll be looking well beyond the  
11 state borders. Michelin is a French company and that's  
12 the one I'm most familiar with.

13          BOARD MEMBER ROBERTI: Yeah, I don't know if  
14 Germany has a tire manufacturer, but they certainly  
15 obviously have lots of contracts with their tire, with  
16 their automobile manufacturers, so I would, I would hope  
17 the scope of work that we're asking for here includes a  
18 look into the use of other industrialized countries.

19          MS. LINDERT: Yes, it is an --

20          BOARD MEMBER ROBERTI: Well that both  
21 manufacture -- I would like the German experience, maybe  
22 I'm wrong, but I would like the German experience  
23 included. And I don't know if in Germany they, maybe  
24 they do, I don't know if they manufacture any tires. I  
25 don't know of any German name that comes to my mind.

1 MS. GILDART: We can direct the contractor to  
2 look thoroughly into Germany.

3 BOARD MEMBER ROBERTI: Okay.

4 MS. GILDART: Would that include the trip?

5 BOARD MEMBER ROBERTI: That will include the  
6 trip, right.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you,  
8 Senator Roberti. My question was, I have no problem with  
9 the scope of work, I just, you know, am real anxious to  
10 get the results and it seems, do you really think it will  
11 take a year?

12 MS. LINDERT: We were, possibly could propose  
13 cutting it a few days to maybe three hundred days or, I  
14 don't know, is that possible?

15 BOARD CHAIR MOULTON-PATTERSON: Well I don't know,  
16 you know. I just wondered if you thought it would be  
17 possible. You know, this information, I understand it's  
18 a comprehensive study and --

19 MS. LINDERT: Yeah, it's a very comprehensive  
20 study. We could shorten the timeframe to 300 days if  
21 you'd like.

22 BOARD CHAIR MOULTON-PATTERSON: I'd like to see  
23 that so that we can use the information.

24 MS. LINDERT: All right, we'll do that.

25 BOARD MEMBER ROBERTI: Is that 300 days from

1 today?

2 MS. LINDERT: It doesn't, it can't really go  
3 from the time. The timeline starts from the day that the  
4 contract is executed, that means that all parties have  
5 signed it. So we do have to go out for an extensive bid  
6 process here.

7 BOARD CHAIR MOULTON-PATTERSON: I understand  
8 that. So if you could make it 300 from there it would  
9 be --

10 MS. LINDERT: It would have to be 300 days from  
11 the time the contract is executed.

12 BOARD CHAIR MOULTON-PATTERSON: And we do have a  
13 speaker. Any other questions before I go to the speaker?

14 Bruce Robeck, California Tire Recyclers.

15 MR. ROBECK: Bruce Robeck, California Tire  
16 Recyclers. We support the concept of using recycled  
17 material in new tire construction. I would point out  
18 that we have no California manufacturers, and if we're  
19 using recycled material that would likely not come from  
20 California sources as well.

21 I think in the cost benefit analysis there  
22 should be an explicit requirement for the contractor to  
23 look at the feasibility of using California recycled  
24 material as part of the product being put into the new  
25 tires.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
2 Paparian.

3 BOARD MEMBER PAPARIAN: If there's no other  
4 questions I'm ready to move it.

5 BOARD CHAIR MOULTON-PATTERSON: Fine.

6 BOARD MEMBER PAPARIAN: It looks like there's  
7 one more.

8 BOARD CHAIR MOULTON-PATTERSON: Oh, I'm sorry.  
9 Mr. Jones.

10 BOARD MEMBER JONES: I have no problem with  
11 having the scope amended to include the, you know, the  
12 identification of California tires, I don't think there's  
13 a tire manufacturer west of the Mississippi but I may be  
14 wrong.

15 But I think part of the thing is when you look  
16 at Michelin and you look at those companies, while  
17 they're centered in France, they've got manufacturing  
18 plants all over the world, Pirelli and others, so maybe  
19 an identification of where they are would be helpful.

20 And if we can get the information from the tire  
21 makers, it may be helpful to get some information on how  
22 much crumb rubber was used when we had bias ply tires as  
23 opposed to the radial design and what kind of, what kind  
24 of fillers they used then, cause I know they used all  
25 recycling rubber when it was bias, and when they went to

1 radial they got away from that. So that might be helpful  
2 in the report to have a little information on that.

3 Thanks.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
5 Jones.

6 Mr. Paparian.

7 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
8 I wanted to thank the staff for pulling this together, I  
9 know it's been challenging given the workloads in the  
10 tire area, I think they've done a great job in pulling  
11 this concept together.

12 So I'd like to move Resolution 2002-41 related  
13 to a scope of work to investigate increasing the recycled  
14 content in new tires.

15 BOARD MEMBER MEDINA: Second.

16 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
17 motion by Mr. Paparian, seconded by Mr. Medina to approve  
18 Resolution 2002-41.

19 Please call the roll.

20 SECRETARY VILLA: Eaton.

21 BOARD MEMBER EATON: And that would include the  
22 comments that were made by various Board members.

23 BOARD CHAIR MOULTON-PATTERSON: Yes.

24 BOARD MEMBER EATON: So that would be a revised  
25 resolution or just incorporate it in?

1           BOARD MEMBER PAPARIAN: It would incorporate it  
2 in, the resolution is the same but the scope of work  
3 would change.

4           BOARD MEMBER EATON: Good. Aye.

5           BOARD SECRETARY VILLA: Jones?

6           BOARD MEMBER JONES: Aye.

7           BOARD SECRETARY VILLA: Medina?

8           BOARD MEMBER MEDINA: Aye.

9           BOARD SECRETARY VILLA: Paparian?

10          BOARD MEMBER PAPARIAN: Aye.

11          BOARD SECRETARY VILLA: Roberti?

12          BOARD MEMBER ROBERTI: Aye.

13          BOARD SECRETARY VILLA: Moulton-Patterson?

14          BOARD CHAIR MOULTON-PATTERSON: Aye. Thank you  
15 to Special Waste, long section today.

16                 That brings us to item 25 and Ms. Broddrick is  
17 presenting.

18           MS. BRODDRICK: Yes. Good afternoon, Madam  
19 Chair and Board members. I'm Trisha Broddrick from the  
20 Office of Integrated Education.

21                 Item 25 is consideration of approval of the  
22 scope of work and the interagency agreement with the  
23 California Department of Education for the school  
24 instructional gardens program.

25                 The Integrated Waste Management Board had funded

1 this project for two years, and then in 1999 Assembly  
2 Bill 1014 was passed in which this project or this  
3 program was formerly established within the California  
4 Department of Education.

5 And its purpose was to provide educators an  
6 opportunity for hands-on education using school gardens  
7 to teach their concepts of science, math, language arts,  
8 environmental education, and certainly nutrition  
9 education. And the purpose of our involvement was to  
10 incorporate vermicomposting and composting and other  
11 integrated waste management methodologies into the school  
12 garden concepts within the curriculum program, but also  
13 within the establishment of the garden itself.

14 So, also as a product of Assembly Bill 1014, the  
15 Waste Board was expressly authorized to provide  
16 preferential consideration within our, or through our  
17 contract concept process to fund the school instructional  
18 garden program at the Department of Education.

19 As a result, \$100,000 was put forward through  
20 our contract concept through the regular process that we  
21 incorporate here at the Board and was approved by the  
22 Board.

23 And so this particular agenda item would  
24 approve, like I said, the interagency agreement and the  
25 scope of work, and staff will go forward with the



1 contract with the Department of Education.

2 Do you have any questions?

3 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

4 BOARD MEMBER EATON: Yes, I have a couple of  
5 questions. First off, I remember 1014, and it didn't  
6 formally establish anything under the Department of  
7 Education. Really what it was was a way to give them  
8 some dollars.

9 My question that I have is it is my  
10 understanding that the year that we had the first couple  
11 of years that we did the school gardens, we at the Board  
12 here gave 36 grants to 145 schools. Then we still had  
13 it, and what we did is we monitored it with a special  
14 agreement as a result of the legislation, and we gave out  
15 32 grants, more or less, but we actually increased the  
16 number of schools it went to was 167.

17 Once the Department of Education, and remember  
18 we had a discussion about letting them have this program;  
19 since they have gotten this program they have been able  
20 to only hand out 17 grants at 70 garden sites for the  
21 same amount of money.

22 So my question is, is their overhead eating up  
23 the actual grants to the funds as opposed to what us  
24 allowing them to go over and get it? And also, do we  
25 have any idea of how many gardens that we've established

1 that are still in existence? Is there any oversight as  
2 to how many are still actually being worked on or  
3 maintained?

4 MS. BRODDRICK: I think I can answer those  
5 questions. Your first question regarding the reduction  
6 in the number of gardens can be attributed to two  
7 factors.

8 One, the funding level each year has diminished.  
9 The first year we provide --

10 BOARD MEMBER EATON: Same year, same amount of  
11 money. 151,000, 150,000, so a difference of a thousand,  
12 so --

13 MS. BRODDRICK: Well we have to keep in mind  
14 that those grants are provided not specifically to just  
15 schools but school districts and county offices of  
16 education, and clusters of schools.

17 So the reduction in number is really I think  
18 more of a factor of groups of schools applying for the  
19 grant funding and working together, or a school district  
20 applying for the grant as opposed to an individual  
21 school.

22 And this is very consistent with what we're  
23 trying to promote in the Office of Integrated Education,  
24 and certainly within DPLA's study, using the diversion  
25 study, that sustainability within these school

1 institutions is going to be enhanced if we can get  
2 methodology and responsibility incorporated at the  
3 district level.

4 So that's what the Department of Education had  
5 done. And accounts for --

6 BOARD MEMBER EATON: But the basic policy issue  
7 is should we retain the program under the original  
8 agreement under the bill which is that we oversaw how the  
9 funds were spent and used and we minimized the overhead  
10 that the Department of Education charged so that we could  
11 get more bang for our buck.

12 MS. BRODDRICK: Right.

13 BOARD MEMBER EATON: And that's the key question  
14 from me right now is that we need to maintain this,  
15 because if we're going to continue to give them money,  
16 then we should have, I think we have a better track  
17 record of seeing that money go to where it needs to go;  
18 and also we have the ability to find out whether or not  
19 those gardens are still continuing and are they leading  
20 to the diversion? And the facts speak for themselves.

21 In other words, if you go back to the transcript  
22 it was the very fear that we all had is that once it goes  
23 over there we're never going to have control over it  
24 again, and it's going to actually reduce the amount of  
25 money that gets to the street. And I think the facts

1 show that.

2 MS. BRODDRICK: Well the contract, and I think  
3 this was brought up before and it was a consideration,  
4 and the contract for the past two years has an  
5 administrative cap of ten percent on administrative  
6 overhead. And that also includes the cost that the  
7 Department of Education incurs in implementing the  
8 workshops because there's a mandatory requirement that  
9 each grant recipient and any teacher's staff must attend  
10 a regional workshop, and that's included in the ten  
11 percent.

12 So the concern with regards to where the money  
13 is going, it's going to the schools and it's going to  
14 this training.

15 However, your next question, how many of these  
16 projects are continuing, we've asked the Department of  
17 Education and they don't have that information.

18 BOARD CHAIR MOULTON-PATTERSON: I have some real  
19 concerns about this. And what timeline are we up  
20 against? Is this something that we have to do this  
21 month?

22 MS. BRODDRICK: As I recall, around March is  
23 when they put up their notice of funding availability,  
24 and we have gotten a number of phone calls from the  
25 Nutrition Services Office at the Department of Education

1 office.

2 BOARD CHAIR MOULTON-PATTERSON: Do you have any  
3 ideas, Mr. Eaton? I have some problems.

4 BOARD MEMBER EATON: I think with the issues  
5 that we have, does a NOFA have to go out in March, did  
6 you say?

7 MS. BRODDRICK: I have a contract manager here.  
8 Rachelle, can you answer that question?

9 BOARD MEMBER EATON: What timeline are we  
10 working with I guess is the first question, maybe we can  
11 get a better idea.

12 MS. STEEN: Good afternoon. My name is Rachelle  
13 from the Office of Integrated Education.

14 It needs to go out right away. I know that they  
15 were concerned that it was going before the Board at this  
16 Board meeting, so I would say February that the grant is  
17 going out, or that the applications are going out in  
18 March.

19 BOARD MEMBER EATON: Now is the interagency  
20 agreement with the Department of Education, what is the  
21 status of that? Is this going to be a new interagency  
22 agreement?

23 MS. STEEN: It's the same interagency agreement,  
24 we just have to wait if it's approved here, we have to  
25 wait for the signed resolution.

1 BOARD MEMBER EATON: I know, but do we do one  
2 each time --

3 MS. STEEN: Yes.

4 BOARD MEMBER EATON: -- we grant the funds?

5 MS. STEEN: Yes.

6 BOARD MEMBER EATON: So there is an opportunity  
7 for us to change the relationship between the Department  
8 of Education without affecting the notice of funds  
9 availability going out?

10 MS. STEEN: Correct.

11 MS. BRODDRICK: Absolutely.

12 BOARD MEMBER EATON: I think that's where the  
13 Chair and some of us are going. So that what I'm trying  
14 to get at is, here I understand the notice of funds being  
15 available, but the relationship between us and the  
16 Department of Education is on an annual basis once the  
17 funds are distributed, and that can be changed over the  
18 next couple of months.

19 MS. STEEN: Correct.

20 BOARD MEMBER EATON: Is that -- that's correct?

21 MS. STEEN: Yeah.

22 BOARD CHAIR MOULTON-PATTERSON: So we can --

23 BOARD MEMBER EATON: So I think we can probably  
24 go back through and get the notice of funds, the notice  
25 of funds availability out, and then based on some of our

1 direction that we give you to come back to us in March  
2 before the contract with the Department of Education, or  
3 thereafter. And after all, since it's an interagency  
4 agreement, since we decide to go that way it doesn't take  
5 as much time as the request for qualifications or request  
6 for proposal, correct?

7 MS. STEEN: Correct.

8 BOARD MEMBER EATON: If I remember my contracts  
9 administration, I think it only takes about 35 to 45  
10 days.

11 So we could work those issues out, Madam Chair,  
12 I mean in terms of how that relationship works. And  
13 perhaps seek to get some oversight and/or go back to how  
14 we had it before which was basically when we oversaw  
15 that, the program, and it works for them. I mean there's  
16 other ways to change that arrangement.

17 BOARD CHAIR MOULTON-PATTERSON: So we would take  
18 no action and --

19 MS. BRODDRICK: Could I ask for clarification as  
20 well, Mr. Eaton? You're saying that we oversaw the  
21 program. In what capacity do you --

22 BOARD MEMBER EATON: Well we funded it the first  
23 two years before Mr. Cardoza introduced the bill.

24 MS. BRODDRICK: Right.

25 BOARD MEMBER EATON: And it was really just a

1 way to basically be able to get some budgetary funding in  
2 to keep the program going that they wanted to have a  
3 statutory scheme, and that's where 1014 came in.

4 And then there was an agreement between us and  
5 the Department of Ed subsequent thereto. But we had run  
6 the instructional program, if you remember, through our  
7 own grant cycle.

8 MS. BRODDRICK: No, we didn't. Actually we've  
9 always provided the funding to the Department of  
10 Education directly, and they have been administering the  
11 grant program.

12 BOARD MEMBER EATON: Well we did 1998 and 1999.  
13 For fiscal years 1998, 1999 the Board awarded funding, it  
14 says right here in the prospective, so the legislation  
15 didn't pass until 1999, so that wouldn't have been  
16 effective until the year 2000 because it wasn't an  
17 urgency statute. So we did provide instructional  
18 guidance through a contract concept here at the Board.

19 MS. BRODDRICK: Yes, we did.

20 BOARD MEMBER EATON: Prior thereto.

21 MS. BRODDRICK: Right.

22 BOARD MEMBER EATON: So that's what I'm saying.

23 MS. BRODDRICK: Okay. But what I'm saying is in  
24 terms of administration --

25 BOARD MEMBER EATON: So if we want to take it



1 back, we can take it back if we want to. We're not  
2 required to fund the Board of Education or the Department  
3 of Education under the statute.

4 MS. BRODDRICK: No.

5 BOARD MEMBER EATON: And that was put there for  
6 a reason.

7 BOARD MEMBER EATON: Yeah, I just wanted to  
8 know --

9 BOARD MEMBER EATON: The very reason that finds  
10 us here today is because we didn't trust what they were  
11 going to do with the money.

12 BOARD CHAIR MOULTON-PATTERSON: Okay.

13 MS. BRODDRICK: And believe me, we've had our  
14 frustrations with them as well. I just wanted, for the  
15 record, to say that the administration of that grant  
16 program has always been through the Department of  
17 Education, their staff, in terms of developing the  
18 criteria, announcing the grants, and reviewing, I mean  
19 every single year. And 1014 didn't change that.

20 All we have done is provided the funding, and  
21 then we have also assisted in reviewing the grant  
22 applications to ensure that any project that supported  
23 waste management concepts was reviewed by our staff, and  
24 then we've also participated in the workshops. But that  
25 has been consistently our only involvement in all four

1 years.

2 BOARD CHAIR MOULTON-PATTERSON: Well, I think  
3 we're just going to need a little more time. So do we  
4 need to do anything to get the notice of funds out or, so  
5 we can, we don't want to approve this at this time,  
6 right? T.J.?

7 MS. JORDAN: We don't put the notice of funds  
8 out, that's what we contract with the Department of  
9 Education to do, so that's why they're waiting for your  
10 approval on this contract is that they actually do the  
11 grant.

12 BOARD CHAIR MOULTON-PATTERSON: Okay. Well, I  
13 still have some unanswered questions, and I really can't  
14 give it, myself can't give it an affirmative answer, you  
15 know.

16 Perhaps we could trail it to tomorrow and, you  
17 know, if there's, maybe I can have a better grasp of  
18 this, but I don't want to vote for it right now.

19 MS. JORDAN: And possibly we could get  
20 additional information from Education about their  
21 timeline.

22 BOARD CHAIR MOULTON-PATTERSON: Okay.

23 MS. JORDAN: And looking at the realistic time,  
24 timing for getting it, the NOFA out next month, and  
25 whether we can meet the end of the year in their process.

1           BOARD CHAIR MOULTON-PATTERSON:   Okay.   Thank  
2   you.

3           BOARD MEMBER EATON:   And Madam Chair, if I may  
4   just say something, and this is not probably the most  
5   appropriate, but each of us had received a memo regarding  
6   items such as this along with two previous projects about  
7   getting these on the consent calendar and under the  
8   Executive Director's delegation of authority, and I think  
9   this is one example of why that shouldn't be a policy  
10   here at this Board is because the money is great, 150,  
11   200,000, and to go under the radar screen these things  
12   get on automatic and you never see them again, there's no  
13   accountability.

14           So I would hopefully review those opinions, I  
15   think, that were provided by the various departments, and  
16   we can have a discussion with them at a later time.

17           BOARD CHAIR MOULTON-PATTERSON:   Thank you, Mr.  
18   Eaton, and thank you, Ms. Broddrick, and we'll take this  
19   up later.

20           Number 26 and 27 are our last two items because  
21   28 was pulled.   And Mr. Block will be presenting these.

22           LEGAL COUNSEL BLOCK:   Good afternoon, Madam  
23   Chair and Board members.   Eliott Block from the legal  
24   office.

25           I've got a couple of administrative items to

1 talk about this afternoon. The first is agenda item 26  
2 which is a request, consideration to approve the formal  
3 notice of revisions to the Board's conflict of interest  
4 code.

5 The Board is required to periodically review and  
6 update its conflict of interest code. The particular  
7 changes that are before you today, and you'll see them if  
8 you wanted to look at them specifically starting on page  
9 26-5, are not looking for any new decisions by the Board  
10 today, they're reflecting changes that have occurred  
11 since the last time the conflict of interest code was  
12 revised.

13 Very briefly, we've added a division, the  
14 Special Waste Division since the last time we've done  
15 this. We've added an, the Office of Integrated  
16 Education. And then there have been some job  
17 classifications added and some deleted off the  
18 organizational chart.

19 Even though this is a fairly administrative  
20 item, the process that the Fair Political Practices  
21 Commission requires is actually sort of a modified  
22 regulation process. We do a 45 day notice, although  
23 since it's an internal document we actually do it through  
24 e-mail to the staff here, and then we come back to the  
25 Board at the end of that process for approval before we

1 send it to the Fair Political Practices Commission for  
2 approval as opposed to the Office of Administrative Law.

3 That really is it in a nutshell in terms of the  
4 changes. Like I said, it's an administrative update, I  
5 can answer any questions you have about this, if there  
6 are any other items you'd like to deal with.

7 But we would request approval to formally notice  
8 these revisions.

9 BOARD CHAIR MOULTON-PATTERSON: This might be  
10 minor, but should we have committee analyst slash  
11 technical advisors since there's --

12 MR. BLOCK: I realize, that was a question that  
13 came up. And in fact, we had originally had that  
14 dropped, and based on information that I got from the  
15 administrative office, that classification is technically  
16 I guess still on our organizational chart. So at this  
17 point what --

18 BOARD CHAIR MOULTON-PATTERSON: The committee  
19 analyst is?

20 LEGAL COUNSEL BLOCK: The committee analyst.

21 BOARD CHAIR MOULTON-PATTERSON: Okay.

22 LEGAL COUNSEL BLOCK: The title is still there,  
23 and so the idea is that we can more inclusive. In other  
24 words, even if a position is not filled you have it on  
25 the list of potential positions.

1 BOARD CHAIR MOULTON-PATTERSON: Okay. Fine.

2 Thank you.

3 BOARD MEMBER JONES: Madam Chair, I'll just move

4 that we start the 45 day clock.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.

6 Jones.

7 BOARD MEMBER MEDINA: Second.

8 BOARD CHAIR MOULTON-PATTERSON: So we have a

9 motion from Mr. Jones, seconded by Mr. Medina to start  
10 the 45 day noticing.

11 Please call the roll.

12 BOARD SECRETARY VILLA: Eaton?

13 BOARD MEMBER EATON: Aye.

14 BOARD SECRETARY VILLA: Jones?

15 BOARD MEMBER JONES: Aye.

16 BOARD SECRETARY VILLA: Medina?

17 BOARD MEMBER MEDINA: Aye.

18 BOARD SECRETARY VILLA: Paparian?

19 BOARD MEMBER PAPARIAN: Aye.

20 BOARD SECRETARY VILLA: Roberti?

21 BOARD MEMBER ROBERTI: Aye.

22 BOARD SECRETARY VILLA: Moulton-Patterson? Oh?

23 BOARD CHAIR MOULTON-PATTERSON: He said aye.

24 BOARD SECRETARY VILLA: Moulton-Patterson.

25 BOARD CHAIR MOULTON-PATTERSON: I'm sorry.

1 Senator Roberti, did you say aye?

2 BOARD MEMBER ROBERTI: Aye.

3 BOARD CHAIR MOULTON-PATTERSON: I thought, so.

4 Yes.

5 Aye.

6 Okay. Item 27, Mr. Block.

7 LEGAL COUNSEL BLOCK: Item 27 is again another  
8 administrative item. It is requesting approval of the  
9 Board's annual rulemaking calendar for our transmittal to  
10 the Office of Administrative Law. This is a yearly  
11 requirement, it's due to the Office of Administrative Law  
12 at the end of this month.

13 Much like the item before we're not actually  
14 requesting any new decisions by the Board today, this  
15 list reflects either decisions that the Board has already  
16 made in terms of rulemaking packages that will be  
17 occurring during the next year, and/or will include some  
18 placeholders where we know the Board will be making  
19 decisions in the upcoming year.

20 As an example, there is a conversion technology  
21 regulations are listed as potential regulations because  
22 the Board is in the process of looking at that issue,  
23 although there's no current package.

24 The other thing that's usually important to keep  
25 in mind, although we are required to do an annual list,

1 the Board is allowed to add regulation packages during  
2 the year if there are new ones that come up that were not  
3 reasonably expected. And the list also doesn't prohibit  
4 the Board, of course, from adopting emergency regulations  
5 during the year. In fact, last year, as is mentioned in  
6 the item, the Board adopted four different emergency  
7 regulation packages.

8           There are some other details in the item  
9 themselves. I can go through those just at the pleasure  
10 of the Board if you wanted some more details about any  
11 particular items on the list, or otherwise we'd request  
12 that you approve the calendar.

13           BOARD CHAIR MOULTON-PATTERSON: I think you've  
14 covered it and --

15           BOARD MEMBER JONES: Madam Chair.

16           BOARD CHAIR MOULTON-PATTERSON: Mr. Jones, did  
17 you want to make a motion?

18           BOARD MEMBER JONES: I want to move for adoption  
19 of Resolution 2002-3, consideration and approval of the  
20 2002 rulemaking calendar.

21           BOARD MEMBER MEDINA: Second.

22           BOARD CHAIR MOULTON-PATTERSON: Okay. Motion by  
23 Mr. Jones, seconded by Mr. Medina to approve Resolution  
24 2002-3.

25           Please call the roll.



1 BOARD SECRETARY VILLA: Eaton?

2 BOARD MEMBER EATON: Aye.

3 BOARD SECRETARY VILLA: Jones?

4 BOARD MEMBER JONES: Aye.

5 BOARD SECRETARY VILLA: Medina?

6 BOARD MEMBER MEDINA: Aye.

7 BOARD SECRETARY VILLA: Paparian?

8 BOARD MEMBER PAPARIAN: Aye.

9 BOARD SECRETARY VILLA: Roberti?

10 BOARD MEMBER ROBERTI: Aye.

11 BOARD SECRETARY VILLA: Moulton-Patterson?

12 BOARD CHAIR MOULTON-PATTERSON: Aye.

13 Thank you, Mr. Block.

14 BOARD MEMBER PAPARIAN: Madam Chair.

15 BOARD CHAIR MOULTON-PATTERSON: Yes, Mr.

16 Paparian.

17 BOARD MEMBER PAPARIAN: On item 28, I know it's

18 been pulled, is that coming back next month? Because

19 it's due to the legislature on March 1st.

20 BOARD CHAIR MOULTON-PATTERSON: I hope so.

21 MR. SIMPSON: Madam Chair, Frank Simpson with

22 the Public Affairs Office.

23 Yes, it will be on next month's agenda, we just

24 ran into some time constraints, and we didn't want to

25 give you an incomplete report. It will be back next

1 month.

2 BOARD MEMBER PAPARIAN: Thank you.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you for  
4 pointing that out.

5 That concludes the public part of today's  
6 agenda. We will be having a short closed session on tire  
7 litigation, is that correct?

8 LEGAL COUNSEL TOBIAS: Tire hauler litigation  
9 and a settlement on a piece of litigation.

10 BOARD CHAIR MOULTON-PATTERSON: Okay. So we'll  
11 be adjourning to our back room.

12 (Thereupon the foregoing was concluded at  
13 3:11 p.m.)

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, DORIS M. BAILEY, a Certified Shorthand Reporter and Registered Professional Reporter, in and for the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing proceedings in shorthand writing; and thereafter caused my shorthand writing to be transcribed by computer.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand as a Certified Shorthand Reporter and Registered Professional Reporter on the 3rd day of February, 2002.

Doris M. Bailey, CSR, RPR, CRR  
Certified Shorthand Reporter  
License Number 8751